THE WEST PENN

Vol. XXXIX—No. 4

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Official Report

Bengal Legislative Council

Thirty-ninth Session, 1932

22nd, 23rd, 25th and 26th August, 1932

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A

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B

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C

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Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]

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D

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Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]

Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

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F

Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur. [Minister.] [Tippera South (Muhammadan).]

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G

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H

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L

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Leeson, Mr. G. W. (Bengal Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
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P

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Twynam, Mr. H. J. (Nominated Official.)

W

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Woodhead, the Hon'ble Mr. J. A., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Thirty-ninth Session.)

Volume XXXIX—No. 4.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 22nd August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 111 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Estates in Chittagong sold for arrears of revenue.

***114. Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) how many *mahals* were about to be sold for non-payment of the arrears of revenue from the 15th to 27th June, 1932, in the Revenue sale in Chittagong;

(*ii*) how many permanent estates were among them;

(*iii*) how many temporary estates were among them;

(*iv*) how many in each *khas mahals;* and

(*v*) how many *mahals* administered by the Court of Wards were defaulters and what is their area?

(*b*) (*i*) How many of them have been sold, and how many have been bought by the Government for want of bidders on these days?

(*ii*) How many *mahals* have been given time after efforts of the Collector to realise revenue?

(*c*) Will the Hon'ble Member be pleased to state whether the following *mahals* were bought by the Government for want of bidders:—

(*i*) Taluk No. 23929 Paradzafar of Sadar *khas mahal;*

(*ii*) Taluk No. 34611 Keramotali of Patiya *khas mahal*;

(*iii*) Taluk No. 33793 Chailapru of Patiya *khas mahal*;

(*iv*) Taluk No. 34795 Mahomaya of Cox's Bazar Patiya *khas mahal*;

(*v*) Taluk No. 493 of Bakshabachi of Kutubdia Patiya *khas mahal*?

(*d*) Will the Hon'ble Member be pleased to state separately of the abovementioned *mahals*

(*i*) what is the area, annual rent, arrears of revenue and purchasing price;

(*ii*) what is the profit of these *mahals*; and

(*iii*) what did it cost the owners to purchase them?

(*e*) What was the reason of them not being bid for by anybody?

(*f*) Do the owners of the *mahals* want to have them back?

(*g*) Are the Government prepared to return them to their owners?

(*h*) Are the Government prepared to reduce the assessment of the Noabad *mahals* till the price of paddy rises to its normal rate?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) 2,651.

(*ii*) 616.

(*iii*) 2,035 if the member means to include Noabad *taluks* which are not estates.

(*iv*) Sadar 469.

Raozan—255.

Patiya—531.

Satkania—567.

Cox's Bazar—130.

Kutubdia—83.

(*v*) 21 estates area 5,532 drones or 35,404·80 acres.

(*b*) (*i*) 254 were sold and 100 were purchased by Government.

(ii) 787.

(c) (i) Yes.

(ii) No.

(iii) No, but Taluk No. 34793 Chalafrue.

(iv) and (v) Yes.

(d) (i) A statement is laid on the table.

(d) (ii) and (iii) and (e) The information is not available.

(f) The owner of Taluk No. 34793 only has applied for resettlement.

(g) Each application for return will be considered on its merits.

(h) No.

Statement referred to in the answer to clause (d) (i) of starred question No. 114.

No.	Area in acres.	Annual rent.		Arrear.		Purchase money.
		Rs.	a.	Rs.	a.	Rs.
23929	670·16	1,134	8	1,654	2	1
34793	560·0	712	8	894	7	1
34795	33·13	145	12	73	4	1
493	143·91	688	12	844	4	1

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether the owners of the *taluks* referred to in clause (c) applied to the Collector for time to pay revenue?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no information.

Steamer Advisory Committees at Narayanganj and Barisal.

***115. Mr. ANANDA MOHAN PODDAR:** (a) Will the Hon'ble Member in charge of the Marine Department be pleased to state the present constitution of the Steamer Advisory Committees in Bengal?

(b) Will the Hon'ble Member be pleased to state why no representatives of the Indian merchants have been taken in the Narayanganj Advisory Committee?

(c) Will the Hon'ble Member be pleased to state whether it is in the contemplation of the Government to take in representatives of the Bengal Mahajan Sabha in the Steamer Advisory Committees at Narayanganj and Barisal?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (a) The membership of the Committees constituted by the Steamer Companies is as follows:—

Narayanganj—

The Agent, Steamer Companies (*President*).

The Collector of Dacca.

A representative of the Chamber of Commerce, Narayanganj.

A representative of the Dacca District Board.

A representative of Peoples' Association, Dacca.

A representative of Dacca District Muslim Federation.

Barisal—

The Agent, Steamer Companies (*President*).

The Collector of Bakarganj.

Khan Bahadur Hemayetuddin Ahmed, Muslim representative.

A representative of the Barisal Municipality.

A representative of Bakarganj merchants.

A representative of the district board, Bakarganj.

(b) Government are informed by the Companies that no application has been received by them for such representation, but that they would be willing to give favourable consideration to the nomination of a representative of Indian merchants if they are approached by them.

(c) No. The Committees are constituted by the Companies, not by Government, and any representations for representation should be submitted direct to the Companies.

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state if the Steamer Advisory Committees have been constituted in accordance with the provisions of the Inland Steam Vessels Act as amended in 1930?

The Hon'ble Mr. J. A. WOODHEAD: No, Sir; I refer the member to reply (c).

Mr. ANANDA MOHAN PODDAR: With reference to answer (b), will the Hon'ble Member be pleased to state whether the Advisory Committees were constituted on the application of the different bodies that have been mentioned?

The Hon'ble Mr. J. A. WOODHEAD: No, Sir, I cannot say whether that was so.

Mr. ANANDA MOHAN PODDAR: Will the Hon'ble Member be pleased to state why no action has been taken whatsoever by Government in accordance with the provisions laid down in section 54 (b) of the Inland Steam Vessels Act, 1930?

The Hon'ble Mr. J. A. WOODHEAD: Because Committees had been constituted by the Steamer Companies.

Rai Bahadur SATYENDRA KUMAR DAS: May I inquire why a representative of the Dacca Municipality has not been included in the personnel of the Committee?

The Hon'ble Mr. J. A. WOODHEAD: I cannot say, Sir.

Hussanabad incident.

***116. Dr. NARESH CHANDRA SEN GUPTA:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that 85 persons were sent up for trial on a charge of rioting at Hussanabad and only one of them was convicted?

(b) How long were the persons now acquitted in custody?

(c) Have the Government made any inquiry into the conduct of the police officers connected with the incident which led to the shooting by the police and of those who were responsible for the prosecution of the persons who have been acquitted?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) Yes, 85 persons were sent up for trial of whom 73 were convicted.

(*b*) One for about 3 months, two for about 2 months and 5 for one to two weeks.

(*c*) Yes.

Maulvi SYED MAJID BAKSH: With reference to answer (*c*) will the Hon'ble Member be pleased to state what is the result of the inquiry?

The Hon'ble Mr. R. N. REID: Government are satisfied that the shooting was justified.

Maulvi SYED MAJID BAKSH: Did the Government institute any committee of inquiry?

The Hon'ble Mr. R. N. REID: No, Sir.

Maulvi SYED MAJID BAKSH: By whom was the matter investigated?

The Hon'ble Mr. R. N. REID: By local officers.

Maulvi SYED MAJID BAKSH: I should like to know, if not the names, the position of the officers?

The Hon'ble Mr. R. N. REID: I want notice.

Ranjit Ray of Dacca.

***117. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that Ranjit Ray of Dacca, who was arrested on the 4th July, was carried on the 5th July to the local hospital in an unconscious state?

(*b*) If so, has the Hon'ble Member made any inquiry into the circumstances connected with this incident?

The Hon'ble Mr. R. N. REID: (*a*) No.

(*b*) Does not arise.

Dr. NARESH CHANDRA SEN GUPTA: With reference to answer (*a*) does the Hon'ble Member mean to say that Ranjit Ray was not arrested at all?

The Hon'ble Mr. R. N. REID: There is no information to that effect.

Mr SHANTI SHEKHARESWAR RAY: Was any inquiry made from Ranjit Ray with reference to clause (*a*) of the question?

The Hon'ble Mr. R. N. REID: No.

Persons arrested, convicted and detained for offences in connection with the civil disobedience movement.

*118. **Rai Bahadur KESHAB CHANDRA BANERJI:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing since December, 1931—

(*i*) the number of persons (showing separately the number of males and females) arrested in Bengal in connection with the civil disobedience movement;

(*ii*) the number of such persons convicted;

(*iii*) the number of persons detained under the Bengal Emergency Powers Ordinance; and

(*iv*) the number of persons detained under the Bengal Criminal Law Amendment Act?

The Hon'ble Mr. R. N. REID: (*i*) to (*iv*) A statement is laid on the table.

Statement referred to in the answer to starred question No. 118, for the period January-June, 1932.

Number of persons arrested in connection with the civil disobedience movement—11,081 (separate figures for males and females are not available).

Number of persons convicted—

Male	...	9,367
Female	...	600
		9,967

Number of persons detained under the Bengal Emergency Powers Ordinance—132 (under section 3B, Emergency Powers Ordinance, 1931, detention could not be for more than 24 hours).

Number of persons detained under the Bengal Criminal Law Amendment Act—980.

Bengal Tenancy Act establishment in Mymensingh.

***119. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present number of employees in the Bengal Tenancy Act establishment (Landlords' fee) attached to the Mymensingh Collectorate;

(*ii*) now many of them are matriculates of the University; and

(*iii*) how many of the employees are permanent and how many temporary?

(*b*) Is it a fact that outsiders are being recruited in the permanent cadre of the Collectorate staff ignoring the claims of the temporary clerks who are working in the Bengal Tenancy Act establishment since 1929?

(*c*) Is it in contemplation of the Government to make the staff of the Bengal Tenancy Act establishment permanent?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) Eleven.

(*ii*) Nine.

(*iii*) One permanent (deputed from general establishment) and ten temporary.

(*b*) No.

(*c*) Not at present.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not it is a fact that there is a Government circular that the minimum qualification necessary for appointment as a ministerial officer is the passing of the Matriculation Examination?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe that it is so.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state the reason for appointing two non-matriculates out of the 11 appointments?

The Hon'ble Sir PROVASH CHUNDER MITTER: These were temporary appointments.

Rai Bahadur KESHAB CHANDRA BANERJI: I want to know the reason for appointing non-matriculates even in temporary posts?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already given the reason: they were temporary appointments.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that Government circulars are often violated under the cover of making temporary appointments?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Member of Sadar Local Board from Nawapara thana subsequently transferred to Narail.

***129. Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that at the time of the last Local Board election the Nawapara thana was under the jurisdiction of the Sadar subdivision, Jessore;

(*ii*) that after the Local Board election the Nawapara thana has been transferred to the Narail subdivision;

(*iii*) that even after the transfer the member from Nawapara is still continuing as a member of the Sadar Local Board and taking part in its proceedings; and

(*iv*) that the cess and ratepayers of the Nawapara thana are experiencing considerable difficulty in obtaining roads, sanitation and other necessary grants from a Local Board to which it does not belong?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of transferring the member from Nawapara to the jurisdiction of the Narail Local Board?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*iv*) Government have no information.

(*b*) Government are advised that this transfer would not be in accordance with the law.

Maulvi SYED MAJID BAKSH: Does not the Hon'ble Minister consider that if a thana is transferred the member elected from that thana should also be transferred?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There is no such provision in the Local Self-Government Act.

Maulvi SYED MAJID BAKSH: Does not the Hon'ble Minister consider that there is difficulty for the member to discharge his duties if the thana from which he was elected is transferred to another jurisdiction?

Mr. PRESIDENT: That is not a question: that is an argument.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister consider the desirability of re-transferring the thana to its original jurisdiction in view of the fact that the member elected from the thana finds himself in an anomalous position?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: This department is not concerned with the transfer of thanas.

Khan Bahadur Maulvi AZIZUL HAQUE: Was not the Hon'ble Minister given notice to the effect that the thana was going to be transferred?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes.

Maulvi ABDUS SAMAD: Is it not a fact that with the transfer of a thana in the Murshidabad district the member who was elected from that thana was also transferred?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not know.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister kindly let us know whether it is in accordance with the law?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have already said that there is no such provision in the law.

Dr. NARESH CHANDRA SEN GUPTA: Having regard to the answer that this matter does not concern his department, does the Hon'ble Minister want us to understand that he has no connection with other departments of Government?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have never made any such suggestion.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that immediately there is a transfer of a thana the District Magistrate takes steps for the representative of the thana to be transferred also in consultation with the district board and local board?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: What steps can the District Magistrate take? It is for the member to resign.

Khan Bahadur Maulvi AZIZUL HAQUE: Cannot the District Magistrate write to the Government to transfer the jurisdiction of the member elected from a thana which is transferred to another local board?

(No answer.)

Goalundo Ghat Railway terminus.

*121. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) the year in which the Goalundo Ghat was shifted to its present site from Ghat No. 6;

(*ii*) the respective distances of the present Ghat at Kushabati and the Ghat No. 6 from Rajbari Railway Station;

(*iii*) the fares for passengers of different classes that have been in vogue from Rajbari to the present Goalundo Ghat at Kushabati since the Ghat was last shifted;

(*iv*) the fares for different classes of passengers from Rajbari to Ghat No. 6 that were in vogue immediately before the Ghat was last shifted;

(*v*) the rates per mile at which fares for different classes of passengers were assessed immediately before the Ghat was last shifted; and

(*vi*) the rate per mile in vogue since the Ghat was last shifted?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead). (*i*) 1931.

(*ii*) The distances from Kushabati to Rajbari and from Ghat No. 6 to Rajbari are 5·54 and 9 miles respectively.

(*iii*) 1st class—Re. 1-2.
2nd class—Re. 0-11-3.
Inter class—Re. 0-4-6.
3rd class—Re. 0-2-9.

(*iv*) The same as in (*iii*) above.

(*v*) 1st class—24 pies per mile.
2nd class—15 pies per mile.
Inter class—6 pies per mile.
3rd class—3½ pies per mile.

(*vi*) No alteration in the rates given in (*v*) above.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state if it is not a fact that although the distance from Rajbari to the present Goalundo Ghat is almost half of what it was formerly, the fare has remained the same?

The Hon'ble Mr. J. A. WOODHEAD: Yes, Sir, that is evident from the reply I have given.

Maulvi TAMIZUDDIN KHAN: Does the Government intend to take steps in the matter?

The Hon'ble Mr. J. A. WOODHEAD: That is a matter for the Government of India.

Maulvi TAMIZUDDIN KHAN: Cannot the Local Government send certain recommendations in the matter?

The Hon'ble Mr. J. A. WOODHEAD: No, Sir.

3-15 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state if there is any Railway law or regulation by which the Railway can charge fares at such exorbitant rates?

The Hon'ble Mr. J. A. WOODHEAD: It is not admitted that the rates are exorbitant.

Faridpur-North Bengal Railway connection.

*122. **Rai Sahib AKSHOY KUMAR SEN:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the discontinuance of the running of a direct train from Faridpur to Poradaha Junction has dislocated the connection with the trains running towards North Bengal causing great inconvenience to the people of Faridpur and of Nadia beyond Kushtia and Jugati?

(*b*) Are the Government considering the desirability of drawing the attention of the Eastern Bengal Railway authorities to this matter?

The Hon'ble Mr. J. A. WOODHEAD: (*a*) A morning connecting train from Faridpur to Poradaha Junction was cancelled with effect from 15th April, 1932, as it was found to be carrying an average of

98 passengers only per day and thus causing considerable loss to the Railway. There are still two direct connecting services daily between Faridpur and North Bengal, and *vice versa*, during the evening and night.

(*b*) In view of reply to (*a*) Government do not consider it desirable to draw the attention of the Railway authorities to the matter.

Lino and mono operators of the Bengal Government Press.

***123. Mr. MUKUNDA BEHARY MULLICK:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that the lino operators of the Bengal Government Press are paid for the corrected ens and the mono operators are paid for uncorrected ens?

(*b*) Is it a fact that by the system of payment on corrected ens deductions in the earnings of the piece-workers are made for the mistakes in the works done by them, whereas no such deductions are made in the system of payment on uncorrected ens?

(*c*) Is it a fact that by the system of payment to the mono operators on uncorrected ens expenditure is incurred twice on the same piece of work inasmuch as the compositors are to be paid for correcting the mistakes of the mono operators in a single piece of work?

(*d*) Is the Hon'ble Member aware—

(*i*) that both the lino operators and the mono operators of the Government of India Press, Calcutta, are paid for corrected ens; and

(*ii*) that the pay of the mono operators in the Government of India Press, Calcutta, is less than the pay of the lino operators?

(*e*) If the answers to (*a*) to (*d*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for paying the mono operators of the Bengal Government Press on uncorrected ens and incurring extra expenditure on a single piece of work?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (*a*) Yes, but the rate for monotype operators is 1½ annas per thousand ens against 2½ annas for linotype operators.

(*b*) No deductions are made; operators correct their own mistakes only and are paid for the matter set after making their corrections.

(c) Corrections in monotype composition are made by hand compositors. Excessive corrections are either charged to the monotype operators concerned or the matter reset by them without charge.

(d) (i) No. They are salaried employees.

(ii) No.

(e) Does not arise.

Post of Head Reader in Bengal Government Press.

*124. **Mr. MUKUNDA BEHARY MULLICK:** (a) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether Government have accorded sanction to a scheme submitted by the Superintendent, Bengal Government Press, recommending, amongst others, the abolition of a number of posts in the Press?

(b) If the answer to (a) is in the affirmative, are the Government considering the desirability of retiring the present incumbents of those abolished posts?

(c) If the answer to (a) is in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that the post of the Head Reader was in the above scheme?

(d) Is it a fact that while that scheme was under the consideration of the Government the present Head Reader was appointed to the post?

(e) Is it a fact that the present Head Reader was allowed to work as such on probation before the present appointment for 6 months, but was reverted by the late Superintendent Mr. Norton as being inefficient and unfit for the post?

(f) If the answers to (d) to (e) are in the affirmative, will the Hon'ble Member be pleased to state the reasons for not abolishing the post of the Head Reader?

(g) Are the Government considering the desirability of taking any action in the matter? If not, why not?

The Hon'ble Mr. J. A. WOODHEAD: (a) and (b) Yes.

(c) The proposal was to convert the post of the Head Reader into a selection grade post on the retirement of the present incumbent.

(d) No.

(*e*) The present Head Reader officiated as such from October 1926 to March 1927 when he reverted to his substantive post: the reason for his reversion is not recorded.

(*f*) and (*g*) Do not arise.

Appointment of the depressed classes in the Ward estates.

***125. Rai Sahib SARAT CHANDRA BAL:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the names of estates now under the management of the Court of Wards in Bengal;

(*ii*) the names and qualifications of the managers, assistant managers and other officers drawing more than one hundred rupees a month appointed in each of such Ward estates during the years 1929, 1930, 1931 and 1932;

(*iii*) how many of such officers are Hindus, Muhammadans and of the depressed classes; and

(*iv*) what special steps, if any, the Government intend to take for the appointment of the depressed classes in the Ward estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) A statement is laid on the table.

(*ii*) A statement giving the information so far as available is laid on the table.

(*iii*) It appears that of those in the list 3 are Muhammadans and 25 Hindus. It is not known if any belong to the depressed classes. Further information is not available.

(*iv*) Government do not intend to take any special steps.

Statement referred to in the answer to clause (i) of starred question No. 125.

LIST OF ESTATES UNDER THE MANAGEMENT OF THE COURT OF WARDS IN MARCH, 1932.

Burdwan District—

Burdwan Raj.

Murshidabad District—

Kasimbazar Raj.

Midnapore District—

Mahishadal.
Basudebpur.
Garh Krishnapur.
Jatindra Nath Mallik.
Panchrole.
Balisahi (Bhunia).
K. C. Chatterjee's Trust.
Pahori.

Hooghly District—

B. L. Mukherjee's Trust.
P. Mukherjee.

24-Parganas District—

Janbazar, No. I.
Janbazar, No. II.
Panihati.
Gobardanga.
Raha.
Bhukailash, No. I.
Bhukailash, No. II.
Bhowanipore.

Nadia District—

Chetlangia.
Tagore.

Jessore District—

Mukherjee.
Bagchar Rai.
Bagchar Chowdhury.
Mangalganj.

Khulna District—

Syedpur Trust.
Khararia.

Dacca District—

Dacca Nawab.
Kartickpur.
Khan Bahadur Kazi Alauddin.
Golam Sattar.
Bhawal.
Dhankora, No. I.
Dhankora, No. II.
Swarnamoyee Debi.
Sriuagar.
Murapara.

Mymensingh District—

Haihatnagar.
Golakpur.
Gayhatta.
Sherpur, No. I.
Sherpur, No. II.

Faridpur District—

Nani Gopal Mukherjee.

Rangpur District—

I. C. Roy's Trust.
Affanulla Trust.
Bardhankuti.
Tushbhandar (Junior Branch).
Tushbhandar (Senior Branch).
Kakina.
Panga.
Sadyapuskarni.
Bamandanga.

Bakarganj District—

Dakshin Shahbazpur.
Messrs. Lucas & Harney.
K. M. Roy and others.
N. K. Basu.
Amrajuri.
D. N. Dutta.
Mrs. H. A. Lucas.
Dasmina.
Sm. A. K. Debi.
B. L. Roy and others.
S. P. Ghosal.
S. B. Ghosal and others.
S. S. Ghosal.
S. Ghosal.
Madhabpasha.
Chaudhury Md. Ismail Khan.
Musammat Halima Khatun.
Mrs. Brown.

Tippera District—

Bhukailash, No. I.
Paschimgaon.
Sachar.
Bardhan.
Kazi.
Nawab.
Meher (Tagore).
Majitpur.

Noakhali District—

Bhulua.
R. K. Bose and others.
B. C. Shaha.
Punna Mean Trust.

Chittagong District—

Raj Kissen Banerjee.
Ram Ratan Tewari.
Surendra Bijoy Roy.
Ram Kumar Kishori Mohan Roy.
Birendra Bijoy Roy.
Padua Gupta.
Banigram Roy.
Lakshmi Kamini Sen.
Musammat Karimunnessa Begam.
Promilabala Devi.
Mrs. Bromplow

Rajshahi District—

Birkutsa.

Dinajpur District—

Janbazar, No. II.
Majdiha.
Maldwar.
Hasinna

Statement referred to in the answer to clause (ii) of starred question No. 125.

NAMES AND QUALIFICATIONS OF MANAGERS AND ASSISTANT MANAGERS UNDER THE COURT OF WARDS.

Name of Officer.	Estate in which appointed.	Designation.	Date of appointment.	Qualification.
Babu Manoranjan Maitra.	Burdwan Raj	Additional Manager.	16-1-1930	Deputy Magistrate and Deputy Collector.
Babu Anukul Chandra Sarkar.	Ditto ..	Assistant Manager	3-1-1931	Sub-Deputy Collector.
Babu Birendralal Roy	Ditto ..	Ditto (Sadar).	1931	Manager, Nadia Raj Wards' Estate.
Babu Profulla Chandra Das, B.A.	Basudebpur and Pachrole.	Manager ..	5-7-1930	Sub-Manager, Mahisadal Wards' Estate.
Babu Phanindra Bhushan Mitra.	Mahisadal	Ditto ..	2-2-1929	Sub-Deputy Collector.
Babu Sudhir Chandra Sen, B.L.	Ditto	Assistant Manager	6-4-1931	Trained in the Court of Wards system of work under General Manager, Court of Estates, Mymensingh.
Babu Kshitish Chandra Aich, B.A.	Ditto ..	Sub-Manager .	11-5-1931	Superintendent, Dhankora No. II Wards' Estate.
Babu Suresh Chandra Sen (since dead)	Panihati and Baha	Manager ..	18-11-1929	Ex-Settlement Kanungo.
Babu Nayanendu Chandra Sen.	Ditto	Ditto ..	July 1932	Late Manager, Khararia Wards' Estate.
Babu Satyaranjan Majumdar.	Janbazar No. I	Ditto ..	12-9-1930	Circle Superintendent, Dacca Nawab Estate.
Babu Nirammoy Roy	Gowardanga and Khararia.	Joint Manager	6-12-1930	Ex-Settlement Kanungo.
Babu Jadab Chandra Banerjee.	Bhowanipur ..	Manager ..	13-10-1931	Circle Superintendent, Dacca Nawab Estate.
Babu Promotho Nath Ghosh.	Chetlangia .	Ditto ..	23-4-1931	Pre-Court Manager of the Estate.
Babu Rajendra Nath Banerjee.	Tagore ..	Ditto ..	18-3-1931	Ex-Settlement Kanungo and lately zamindari Manager, Indian Iron Steel and Company.
Babu Jyotish Chandra Mitra.	Kasimbazar Raj	Ditto ..	5-7-1932	Late Accountant-General, Bengal.
Maulvi Shaikh Muhammad Yunus, B.L.	Syedpur Trust	Ditto ..	17-1-1930	Pleader.
Mr. P. J. Griffiths, I.C.S.	Dacca Nawab	Chief Manager	9-4-1929	Collector.
Rai Sahib Amath Bandhu Chatterjee.	Kazi Alauddin and Kartickpur	Superintendent, Attia.	10-8-1930	Retired Sub-Deputy Collector.
Sir D. L. Stewart, Bart.	Bhowa ..	Manager ..	26-11-1931	Retired Superintendent of Police.
Babu Satish Chandra Ghosh.	Dhankira, No. II	Ditto ..	11-4-1929	Late Assistant Manager, De Lawney Wards' Estate.
Babu Ashutosh Das Gupta.	Dakshineshabazar.	Ditto ..	1-6-1931	Sub-Manager, same Estate.
Babu Profulla Kumar Sen, B.A.	Ismail Choudhury.	Ditto ..	25-5-1929	Inspector, Mainland Group of Wards' Estates, Bakarganj.
Rai Sahib Ishan Chandra Das.	Mrs. Brown ..	Ditto ..	14-4-1931	Pre-Court Manager of the Estate.

Name of Officer.	Estate in which appointed.	Designation.	Date of appointment.	Qualification.
Rai Sahib Binodlal Ghosh, B.L.	Bhukailash No. I, Paschimgaon, Bardhan, Sachar Majitpur, Mehar	General Manager	31-5-1929	Assistant Manager, Bhov Wards' Estate.
Babu Mohendralal Sarkar.	Ditto ..	Assistant Manager	1-5-1931	Nazir, Chittagong Collectora
Maulvi Muhammad Siddique.	Nawab Estate	Manager ..	9-5-1930	Settlement Kanungo.
Maulvi Habibuddin Ahmed.	Kazi ..	Ditto ..	5-5-1930	(Qualification not known.)
Babu Bhupendra Nath Bhattacharji.	Bhulua, Saha and Base Estate.	General Manager	22-1-1931	Pre-Court Manager of Estate.
Babu Dwijendra Nath Mukherjee, M.A., B.L.	Kakina, Tushbhandar (Junior and Senior)	Manager ..	1-5-1931	Secretary, District Bos 24-Parganas.
Babu Baikuntha Chandra Sen.	Panga, Sadyapushkarini, Bamandanga.	Ditto ..	4-8-1929	Pre-Court Manager, Ba danga.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'b Member be pleased to state how many members of the depressed clase are there in the estates under the management of the Court of Ward

The Hon'ble Sir PROVASH CHUNDER MITTER: I ask f notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Estates in Khulna sold for arrears of cesses.

58. Babu SUK LAL NAG: Will the Hon'ble Member in charge the Revenue Department be pleased to lay on the table a stateme showing from January to June, 1932—

(i) the number of cess-paying defaulters in the district of Khuln

(ii) how many of the defaulters applied for time;

(iii) how many of these applications were granted;

(iv) how many *taluks* and *zamindaries* have been sold for no payment of cesses and at what price, if any; and

(v) the names of purchasers of those *taluks* and *zamindaries*?

The Hon'ble Sir PROVASH CHUNDER MITTER: (i) 377 *tauzis* and 402 separate accounts.

(ii) 361.

(iii) 361.

(iv) and (v) A statement is laid on the table.

Statement referred to in the answer to clauses (iv) and (v) of unstarred question No. 58, showing the estates sold and their purchasers in the district of Khulna from January to June, 1932.

	Estates.	*Names of the purchasers.*
1.	Revenue-free estate No 39 B, police-station Kalaroa.	Hemanta Kumar Ghose, R.A. for Satl Nath Misra, of Uttarchatra, police-station Baduria, 24-Parganas.
2.	Tauzi No. 1300 .. .. 1301 .. .. 1302	Hemendra Nath Dutta, of Khulna.
3.	Revenue-free estate No. 21 B, police-station Dumuria.	Ditto.
4.	Tauzi No. 6 5, Agarpara ..	Nilratan Das, Pleader, Khulna.
5.	Tauzi No. 1238, pargana Talibpur ..	Joytish Chandra Chakravarty, of Pithabhog, Khulna.
6.	Tauzi No. 1242, pargana Talibpur ..	Ditto.
7.	Revenue-free estate No. 62 B, police-station Kaliganj.	Hemanta Kumar Ghose, R.A. for Malati Sundari Devi, of Burdwan.
8	Tauzi No. 74, pargana Isafpur ..	Manindra Nath Bose, Pleader, Khulna.
9.	Revenue-free estate No. 8/B, police-station Shyamnagor.	Probodh Kumar Banerjee, of Kunderia, police-station Assasuni, Khulna.

Total price at which sold—Rs. 888-14-6.

Kutubdia Khas Mahal Officer.

59. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that a *kanungo* has been in charge of the Kutubdia *khas mahal* offices for about a decade?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for his unusual retention in the same place in contravention of Government practice?

(*c*) Have the Government considered the undesirability of retaining an officer for such a long period in an isolated place like Kutubdia?

(*d*) If so, are the Government considering the desirability of transferring him at an early date?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Since October, 1924.

(*b*) and (*c*) The question was considered by the Board of Revenue in 1929, and in view of the officer's intimate knowledge of his jurisdiction, his interest in improvements, his approaching retirement and the strong recommendation of the Commissioner, it was decided that he should not be transferred.

(*d*) No. He will retire shortly.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Member be pleased to state whether the Collector made certain adverse remarks against this officer?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Detenu students.

60. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state the number of persons arrested under the Bengal Criminal Law Amendment Act since 1931?

(*b*) How many of them are students who were prosecuting their studies?

(*c*) How many of them are within their teens?

(*d*) Are the Government considering the desirability of—

(*i*) allowing them to prosecute their studies; and

(*ii*) releasing them so that they might do so?

(*e*) If the answer to (*d*) (*ii*) is in the negative, do the Government intend allowing them reasonable facilities for the prosecution of their studies by detaining them at their respective homes or places of studies at least under certain conditions?

The Hon'ble Mr. R. N. REID: (*a*) 976.

(*b*) and (*c*) The information cannot be furnished without the detailed examination of the records of all the above persons, a labour which Government are unable to undertake with their present staff.

(*d*) (*i*) and (*e*) Government allow reasonable facilities to detenus in camps and jails to prosecute their studies.

(*d*) (*ii*) No.

Gambling in the Carnival near Howrah Railway Station.

61. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state what steps, if any, have been taken to stop gambling in the carnivals at Calcutta and Howrah and with what result?

(*b*) Has it been stopped?

(*c*) Is the Hon'ble Member aware that gambling is still going on inside the carnival in front of the Howrah Railway Station on the Grierson Road?

(*d*) What step, if any, was taken with regard to this particular carnival?

(*e*) If no step was taken, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) District Officers and the Commissioner of Police have been instructed to prosecute promoters of carnivals whenever they find that any games played therein offend against the provisions of the Bengal Public Gambling Act.

(*b*) Open gambling is reported to have been stopped, but it is not possible to stop secret gambling when the police are not present.

(*c*) and (*d*) Orders have been issued to close this carnival with effect from 15th August, 1932.

(*e*) Does not arise.

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state with reference to answers (*c*) and (*d*) why even now the orders have not been carried out?

The Hon'ble Mr. R. N. REID: If the hon'ble member suggests that gambling is still going on in this carnival I will make inquiries.

Diet allowance for patients in the Calcutta Medical College Hospitals.

62. Babu PROFULLA KUMAR GUHA: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what is the daily rate of diet allowance for Europeans and Indians in the Calcutta Medical College Hospitals;

(*ii*) whether the arrangements and facilities for the communities are the same; and

(*iii*) whether there is any donation from anybody in regard to diet in the Medical College group of hospitals?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of the donor or donors?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) The rate for patients who take European diet is Re. 1 and that for patients who take Indian diet is annas 8.

(*ii*) Yes.

(*iii*) There have been no donations specifically for diet in the Medical College Hospitals.

(*b*) The question does not arise.

Acquitted accused students in the Chittagong Armoury Raid case.

63. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Is the Hon'ble Member in charge of the Political Department aware that out of the 30 accused against whom charges had been framed in the Chittagong Armoury Raid case, 16 accused were acquitted by the Special Tribunal?

(*b*) How many of them were students?

(*c*) How long were they in custody?

(*d*) How many of them are within their teens?

(*e*) Is it a fact that all these 16 persons have been arrested under the Bengal Criminal Law Amendment Act as soon as the judgment was pronounced in jail and were taken to Calcutta along with the convicted persons?

(*f*) Do the Government intend to release at least those who are students to enable them to prosecute their studies; or to intern them at home or at the place of their studies under certain conditions?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) 11.

(*c*) They were arrested on various dates between the 19th April, 1930, and 16th July, 1930.

(*d*) 10.

(*e*) Yes.

(*f*) In the case of one orders have been passed under section 2 (*1*) (*a*) (*b*) (*c*), Bengal Criminal Law Amendment Act. It has not been found possible to take such action in the case of the others.

GOVERNMENT BILLS.

The Bengal Motor Vehicles Tax (Amendment) Bill, 1932.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill to amend the Bengal Motor Vehicles Tax Act, 1932.

[The Secretary then read the short title of the Bill.]

Mr. C. C. COOPER: On a point of personal explanation, Sir Government in explaining the Objects and Reasons of this amending Bill have been pleased to take my name in vain, and to have rather given the impression that my amendment was responsible for the defect in the basis of taxation in the existing Bill. Such is not the case, as my original amendment was substantially the same as that now proposed in the amending Bill in basing taxation on overall width×overall length of cars. My amendment was altered at the suggestion of the Government experts to wheel base×track, which alteration caused the loss of revenue which the amending Bill now seeks to remedy, but I must disclaim all responsibility for the mistake which occurred.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that the said Bill be referred to a Select Committee consisting of—

(*1*) Mr. H. P. V. Townend;
(*2*) Mr. C. G. Cooper;
(*3*) Mr. G. W. Leeson;
(*4*) Mr. R. Higgins;
(*5*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;
(*6*) Rai Bahadur Keshab Chandra Banerji;
(*7*) Babu Satish Chandra Ray Chowdhury;
(*8*) Mr. S. M. Bose;
(*9*) Maulvi Tamizuddin Khan;
(*10*) Rai Sahib Sarat Chandra Bal;
(*11*) Mr. D. J. Cohen;
(*12*) Khan Bahadur Muhammad Abdul Momin;
(*13*) Mr. A. F. M. Abdur-Rahman;
(*14*) Mr. P. [illegible]
(*15*) Khan Ba[illegible] Maulvi Azizul Haque; and
(*16*) the mover,

with instruction to submit their report within three days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I owe an explanation to the House as to what has made in the amendment of the Bengal Motor Vehicles Tax Act necessary so soon after it was placed on the Statute book and was brought into force. At the outset I may mention that this Bill proposes no change in the principles of the Act or any important alteration even in the procedure of its working. The Bill aims at only removing some of the difficulties which have been experienced in actual working; it provides certain facilities about refund of tax on cars kept but not used and offers facilities to owners of private cars about re-registration and production of cars at the time of renewing the license. It also provides less drastic measures for recovery of the tax. Another object of this amending Bill is to remove a defect in the provision for taxing private cars in the First Schedule of the Act, as well as a *lacuna* in section 11 about the procedure of distribution of the proceeds from this tax. These are the principal amendments in the Bill. I now propose to explain them in detail.

The words "kept or used" in the Act have given rise to difficulties. They cover a car which is not in running order or which is laid up in store and they have the effect practically of making section 4 (3) of the Act, for refund or remission of tax on cars not actually in use, a dead letter. The words "kept for use" proposed instead, are to be found in the Bihar and Orissa Act, the Central Provinces Act, the United Provinces Act, and the Punjab Act.

The provision for annual re-registration of all cars in sub-section (4) of section 4 of the Act is proposed to be cancelled. The provision was intended to facilitate the collection of the tax. It enabled the authorities to keep trace of all cars in the province, because all would automatically come up for inspection once a year; and the possibility of cancellation of registration, if tax were not paid promptly, was a very powerful instrument of collection. It is now found that this provision would cause very considerable inconvenience to the public and incidentally would make payment by the quarter impossible. It was decided to give up re-registration and to substitute other less sweeping provisions to secure payment of the tax.

Instead of cancelling registration of a car for non-payment of tax in time, it is now proposed, if any person fails to deliver a *declaration* according to section 6 of the Act the Taxing Officer may, after making such inquiry as he thinks fit and after giving an opportunity to such person to be heard, if he so desires, require him to pay any tax or additional tax which the Taxing Officer may find such person liable to pay for any quarterly period or periods under the provisions of this Act

and may also impose on him a penalty which may extend to half the amount of the tax to which he is found liable. This provision is taken from the Punjab Motor Vehicles Act and the United Provinces Act.

Under the present Act there is no power to recover the tax from a person convicted for non-payment: the only course would be to prosecute him again: he could be fined an amount more than equal to the tax, but the fine would go to the general revenues and will not be available for expenditure on roads. It is now proposed to have power to recover the penalty imposed as arrears of public demand and also to have powers to recover the amount of any tax due as fine imposed under section 13 of the Act. The provision for recovery of tax as arrear of public demand has been provided for in the Madras, Punjab and the United Provinces Acts and also in the Calcutta Municipal Act, though the machinery is a little different.

Section 11 of the Act which provides for the distribution of the tax under the Act lays down the order in which the tax is to be distributed and spent. The amendment is intended to allow continuity of the policy providing for payment of any instalment of sums sanctioned in a previous year for completing works in progress. The Act does not provide for securing payment for any such work at present, unless by a needlessly large grant at the outset.

Sub-clauses "fourthly and fifthly" of section 11 as they stand, make practically impossible the application of any funds derived from the taxes to the improvement of any road not belonging to the local authority. This has been provided for in the alteration proposed by clause 7 (2) of the Bill in sub-section (2) of this section will be a safeguard against any misuse of this clause which provides that the proceeds of the tax shall be entered in a separate account and shall be employed as a supplement to and not in substitution for any funds which would otherwise be expended on roads by the local Government or by local authorities, and the local Government may in any year refuse or reduce contributions to be made under this section to any local authority which has failed to allot for expenditure on roads during that year, or to expend on roads during the previous year, a sum equal to the average amount annually expended on roads by that local authority during the three years ending on the thirty-first day of March, 1930.

It is also proposed to amend Schedule 1 of the Act about the taxation of private cars, when overall measurement was substituted for sitting capacity in the Bill as introduced in this House it was intended to keep the rate of taxation the same as was already in force in Calcutta. But the effect was to defeat the object aimed at; the rate of tax on all private cars, except the very largest, was reduced from Rs. 48 to Rs. 40, which was never intended. It is obviously unjust that the big cars should pay no more than the smallest cars; it means

a loss of revenue which was never the object of the amendment accepted to this clause of the Bill. Rupees 48 was the amount which they used to pay to the Calcutta Corporation and I may explain here that no responsibility is sought to be saddled on Mr. Cooper for his amendment. Government did not intend that it should be so reduced but now from the actual experience of the working of the Act it is found that except the very big cars, cars have generally escaped adequate taxation and the tax on them has come down from Rs. 48 to Rs. 40. But it was never intended that it should be so. It is now proposed therefore to charge Rs. 48 instead of Rs. 40 for vehicles measuring more than 40 square feet but not more than 60 square feet overall. This amendment is therefore meant only for removing an anomaly which was not anticipated.

These are now the main provisions of the Bill which, as I have already mentioned, proposes no change in the principles of the Act or any far-reaching amendment even in the procedure; on the other hand, it offers certain facilities to owners and introduces improvement in matters of realisation of taxes.

3-30 p.m.

Dr. AMULYA RATAN GHOSE: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purposes of eliciting public opinion thereon within two months from the date on which this motion is carried in Council.

Sir, it is generally the practice of this Council that whenever a Bill is introduced it is circulated for the purpose of eliciting public opinion thereon; and in doing that Government, I believe, do a very reasonable thing that public opinion is first of all taken on it and then if the Bill is found very suitable, it is placed before the Select Committee for consideration so that the Select Committee may be in a position to be guided by public opinion as well. Therefore, Sir, it is very prudent that the Bill should be circulated for eliciting public opinion. It might be that the provisions of the Bill are well known to the Hon'ble Minister and the Secretary who have taken part in drafting the Bill but the members of the public are unaware whether the provisions are good or bad. Therefore they should be allowed some time to consider the Bill from their point of view and then the Select Committee may consider the points of view submitted by the public and place the result of their deliberations before this Council. With these words, I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to support the motion of Dr. Amulya Ratan Ghose not because I like it but because it is the only alternative to the proposal which has been made by the Hon'ble Minister which I like less. Sir, the Bill, as the House has

just learnt, is a very short measure which does not deal with any question of principle and if the Hon'ble Minister had asked to pass it at one sitting I should have voted for him. But this Bill the Hon'ble Minister wants to send to a Select Committee consisting of as many as 16 members—a great many of them hailing from the *mufassal*. This reminds me of the Bengali adage, বারো হাত কাঁকুড়ের তেরো হাত বীচি It is preposterous. In view of this, the only procedure that seems feasible for us is to support the motion of Dr. Ghose, unless the Hon'ble Minister were to accept a sporting offer to cut down the Select Committee by half the number, in which case I would give him my fullest support.

There is another observation which I would like to make with regard to this Bill. I think the Hon'ble Minister has by now learnt the price he has to pay for the hurry in passing this Motor Vehicles Act. There was a most unreasonable hurry for which there was absolutely no justification whatsoever and now the nemesis has come in the shape of payment of travelling allowances on a large scale. (Several voices: No travelling allowance.) I am sorry, I withdraw. As we have waited for such a long time we might wait for a few days longer. Mr. Cooper's amendment was introduced and accepted without any consideration. And now, Mr. Cooper does not want to take any responsibility for it and the Minister is not willing to shoulder it. The whole thing was done without any consideration whatsoever. That is not the way of passing legislation, least of legislation imposing taxes. That is not the way of passing any legislation and that is an object lesson which, I hope, the Hon'ble Minister will lay to his heart in dealing with the Bengal Municipal Bill which we are now considering.

Mr. J. CAMPBELL FORRESTER: Sir, it is quite evident that this Act has been too hastily drafted. It is an unjust Act, and I am pleased that the Government has seen the necessity of amending it practically on the lines suggested by the Corporation. All things are not bad that come from the Corporation, and I personally am gratified to be able to find that even the Government think that. The intention, when this amendment was accepted, was to have approximately the same scale of taxation as under the Calcutta Municipal Act, 1923, and opportunity is now being taken of effecting this. The existing tax presses heavily on the less wealthy owners. There should be a distinct difference between the car that is used solely for business purposes and the car that is only used for joy rides. For instance the various brokers have almost to a man given up their office jaunts and substituted the Baby type of car. This does much less damage to the road and takes up less road space. All brokers should be encouraged to do this, as it saves money on road repairs. Motor lorries are taxed so heavily

that to try and make it pay, it is overloaded, and thus there is destruction to roads and, I fear, eventual failure for owners as they are overtaxed, and it will probably result in the bullock carts coming in large numbers on the roads once more to the discomfort of motor drivers and distressing to humanitarians.

Now, Sir, when it comes to taxation, I suggest the easiest way to tax motor cars is by horse-power.

	Rs.	H. P.	Rs.
For instance, 3 H. P. Baby Austin types of car would run into	3	7	21
Citroen	3	8	24
Fiat	3	8	24
Singer	3	8	24
Humber	3	8	24
Rover	3	7	21
Standard	3	9	27
Austin	3	10	30
Citroen	3	10	30
Armstrong Siddly		12	36
Bentley		16	48
Chrysler		16	48
Daimler		16	48
Higher-power cars.			
Cadellac		31	93
Chrysler		32	96
Minerva		30	90
Rolls Royce		22	66
Ditto		43	129

Sir, I would also point out that the taxation on motor cycles and motor cycle cars presses very heavily on the less wealthy portion of the population who have to use such cars as a means of transport and it is often the only means whereby they can take the wife and child for an outing.

Sir, with these observations, I feel that this Bill should go back for consideration on an adjustment of the scale of taxation based on horse-power which, in my belief, is only just and proper.

Babu KHETTER MOHAN RAY: Sir, I support the motion of Dr. Amulya Ratan Ghose. The Bill was passed in 1932. Only 3 or 4 months' working revealed certain defects, because, the Bill was hurried

through the Council. I cannot agree with Dr. N. C. Sen Gupta when he said that no principle was involved in the present Bill; because the distribution of proceeds must be based on some principle, the local bodies ought to be consulted in the matter. Almost all the taxes are to be realised from local areas under their jurisdiction. I think therefore that it is fair that the local authorities should be consulted and the Bill be circulated to elicit their opinion.

Babu SATYENDRA NATH ROY: I was one of those who supported the introduction of the Motor Vehicles Taxation Act in order that it might give some revenues to the local bodies who could not impose any tax outside Calcutta. Sir, during the debate on the Motor Vehicles Bill in February last I proposed some amendments to the Select Committee's Report, especially with regard to the motor buses because the taxation on such buses was based on the seating capacity leaving the bus owners a very small margin of profit. During the debate Mr. Cooper proposed an amendment to the original principle of taxing on the seating capacity——

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I rise on a point of order. Is the member in order to divulge the secrets of the Select Committee?

Babu SATYENDRA NATH ROY: Sir, in Council Mr. Cooper introduced this amendment based on the seating capacity which was, I understand, prevalent in the Calcutta Corporation. Mr. Cooper is of course an expert in jute and cannot be expected to know the measurements of the different types of car. I understand there was also an expert on that occasion to help the Hon'ble Minister and in spite of there being an expert there has been a loss of revenue of over a lakh. I therefore hope that this measure should have the very careful consideration of the members of the Select Committee and I hope that the expert member, who has been appointed to deal with this matter, would see that there is no further fall of revenue.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Dr. Ghose has said that the practice is that whenever Government introduces a Bill it is sent out for circulation for eliciting public opinion but I may remind him that every rule has got an exception; it is an exception which proves the rule. The justification for rushing this Bill was the revenue which Government derived from this taxation. The Calcutta Corporation used to get a maximum amount of Rs. 4 lakhs odd but this year we have collected already about Rs. 7 lakhs. On the basis of 60 per cent. of the cars paying for the whole year, it will bring nothing less than Rs. 12 lakhs for the improvement of roads. I would appeal to the members who hail from the

mufassal and who represent the local bodies to bear in mind that it is very important from their point of view that this Bill should go through as early as possible and it is with that object in view that the Bill is being rushed through, if at all, during this session. So Government has nothing to repent, as Dr. Sen Gupta seems to think, for the loss of a sum of Rs. 2½ lakhs which may seem paltry to him but certainly to the Government of Bengal, situated as they are at present, it is a very large sum.

3-45 p.m.

Mr. Cooper's amendment was not placed in the Act without consideration. It was purely an accident which nobody on earth could avoid. Accidents always occur, and I think no human being——

Mr. NARENDRA KUMAR BASU: Government of Bengal is not a human being; it is absolutely inhuman.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Dr. Sen Gupta thinks that the Select Committee is too large. We have only those persons who served on the original Select Committee. It may be large or small, but we want to have their experience of the Act. So far the Bill has brought in a very large revenue to Government.

As regards the suggestion of Mr. Campbell Forrester that the Baby Austin should be exempted from this high rate of taxation, I would refer him to clause 16 of the Act—"the Local Government by notification in the *Calcutta Gazette* may exempt either totally or partially, any motor vehicles or class of motor vehicles from the tax, so that if Government find that the Baby cars are very hard hit, there is this provision which will enable Government to come to their relief. There is no necessity of sending this Bill for circulation for obtaining public opinion. As I have said there is no important change in the principle, no important change even in the procedure of working the Act which is incorporated in this Bill, so public opinion is not necessary. There is no provision of the Bill on which public opinion has not been obtained. It is a purely formal amendment which is now brought forward.

The motion that the Bengal Motor Vehicles Tax (Amendment) Bill, 1932, be circulated for the purpose of eliciting public opinion thereon within two months from the date on which this motion is carried in Council was put and lost.

Dr. AMULYA RATAN GHOSE: I do not wish to move the amendment about the personnel of the Select Committee, but I wish to move my other amendment.

Rai Sahib AKSHOY KUMAR SEN: I beg to move that after the name of Khan Bahadur Maulvi Azizul Haque the following names be inserted, namely:—

Babu Suk Lal Nag; and

Rai Sahib Akshoy Kumar Sen.

It has been already mentioned by Dr. Sen Gupta that the list of the members on the proposed Select Committee appears to be very long, and in spite of that I beg to move this motion, because, Sir, it cannot be said that the *mufassal* members have less interest in it than the town members. I fail to understand why Dr. Sen Gupta says this, because he also hails from the *mufassal*, and has come as a representative of a *mufassal* district, though in recent years he has come to live in Calcutta for the purpose of practice. My submission is that the *mufassal* members may have much more interest than Dr. Sen Gupta; they may own many more cars than he does, and they may also have much interest in public affairs, for example local bodies and the like with which they have to deal. This is a matter of taxation and the *mufassal* members are not less interested than any other member of this House. I commend my motion to the acceptance of the House.

Dr. NARESH CHANDRA SEN GUPTA: As regards the argument about *mufassal* members, I may point out that there are as many as seven *mufassal* members already on this Select Committee.

Dr. AMULYA RATAN GHOSE: I beg to move that for the words "with instruction to submit their report within three days" the words "with instruction to submit their report within three months" be substituted.

In this section of the Council the members are so very busy with the discussion on the Bengal Municipal Bill, that I do not think they will have much time to consider and submit their report within three days. That is the very short period mentioned in the Bill. Therefore, Sir, I think it is necessary that the members should be given ample opportunity to consider this Bill thoroughly and submit their report within three months. I think three months' time will be quite reasonable, and I commend my motion to the acceptance of the House.

Mr. SHANTI SHEKHARESWAR RAY: This amendment is a very reasonable one, and I think the Hon'ble Minister will see his way to accept it. Members of the Select Committee cannot possibly study the question thoroughly within three days, and I think even if this measure is brought before the Council next week, I think it may not be possible

for the members to offer any criticism on the Bill. The Hon'ble Minister got the original Bill passed in a hurry in spite of our protests, and I think he is wiser now. Within this short time he has come forward with this amending Bill; it is not only the question of Mr. Cooper's indiscretion for which he has come forward, but the only redeeming feature about the original Bill was the allocation of the tax which has been realised from motor car owners. But, Sir, there are other mistakes that have been brought to notice as a result of the working of the Act. As an administrative measure it has proved a failure. It has caused great inconvenience to the public and if the matter is not carefully considered, then further mistakes are likely to be committed, and I am afraid the Hon'ble Minister will have to come forward with another amending Bill. One should be careful about this legislation, and I advise the Hon'ble Minister not to hurry such important matters through. His other argument is that he was in a hurry to assist *mufassal* local bodies. I would ask him how much he has been able to contribute to *mufassal* local bodies up to this time. Government has got this money, but the *mufassal* local bodies have not received a single pie out of this fund, and I do not know what the Government is going to pay it.

Mr. NARENDRA KUMAR BASU: I think the Hon'ble Minister should accept this amendment. I do not see what desperate hurry there is to rush this legislation through. Several speakers have pointed out the evil effects of rusing through legislation in this manner. So far as the present financial year is concerned, I think the crisis has already passed, and after this Bill emerges from Select Committee there will be no difficulty in raising the further tax next year. I do not think the Hon'ble Minister would be able to do anything before next year, and I do not, therefore, think there is any necessity to rush this Bill through this session of the Council. I would, therefore, earnestly request the Hon'ble Minister to see whether he cannot allow the House to have more time to consider this Bill. We do know that the last Select Committee, as well as the proposed Select Committee had, and will have experts nominated by Government on it, but we have seen how the expert on the last Select Committee was mistaken. And the present expert may also be of the same category. I would also support the suggestion made by Mr. Campbell Forrester about the rating of these motor cars on the basis of horse-power, and if this matter is rushed through in the Select Committee in three days, and brought before the Legislative Council in a short time when we are desperately dealing with the Bengal Municipal Bill, I do not think the Bill will have much chance of being seriously considered by the members of the House. I therefore request the Hon'ble Minister to see if he cannot possibly adjourn the consideration of this Bill by the Council to the next session.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: If the consideration of this Bill in the Select Committee is postponed for three months, the result will be that the public of Bengal would lose the tax for one quarter at the rate of Rs. 8 per car, because 40 per cent. of the cars has not paid for the whole year; only 60 per cent. has paid. It is now proposed to increase the tax from Rs. 40 to Rs. 48. I would ask Mr. Basu what he thinks of this very important point. If the consideration is postponed for three months, that means a loss of Rs. 8 per car on 40 per cent. of the cars. (A VOICE: How many?) A very large number. I do not think it is such an important matter which would require more than three days' consideration by the hon'ble members of the Select Committee, who are fully conversant with the provisions of the Bill and are capable enough to come to the right decision in the course of three days. This loss of revenue will be a very high price for postponing the consideration of this Bill for three months.

Mr. Shanti Shekhareswar Ray has said that as an administrative measure it has proved a failure. I say not. This Bill has worked very well and brought very good revenue. I admit that there were certain inconveniences to the owners of private cars and that is exactly the reason why this Bill has been introduced. We now propose to remove this inconvenience.

4 p.m.

We have profited by experience and I do not think we shall make the same mistake again.

As regards the distribution of the proceeds to the municipalities Government is not going to pocket the money. It is a separate purse altogether. The money will not be credited to the general coffer of Government; that is provided in the Act itself and whatever money is collected will be distributed to the local bodies. This measure is not in the interest of Government but in the interest of *mufassal* municipalities, district boards and the Calcutta Corporation. I appeal to the *mufassal* members to support my motion for referring the Bill to Select Committee with instructions to finish its consideration within three days because the money that will be lost will be a loss not to the Government but to the local bodies in the *mufassal*.

As regards the expert, I take this opportunity to acknowledge publicly the very important help which Government received from Mr. Higgins. Great credit is due to him for the success of the Act and for the very large revenue which we have collected.

With these words I oppose the amendment.

Dr. NARESH CHANDRA SEN GUPTA: Do I understand the Hon'ble Minister to say that if this Bill is now passed the people who have paid——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It will not have any retrospective effect.

The motion of Rai Sahib Akshoy Kumar Sen was then put and lost.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

The following motion was then put and agreed to:—

"That the Bengal Motor Vehicles Tax (Amendment) Bill, 1932, be referred to a Select Committee consisting of the Hon'ble Mr. Bijoy Prasad Singh Roy, Mr. H. P. V. Townend, Mr. C. G. Cooper, Mr. G. W. Leeson, Mr. R. Higgins, Khan Bahadur Maulvi Alimuzzaman Chaudhuri, Rai Bahadur Keshab Chandra Banerji, Babu Satish Chandra Ray Chowdhury, Mr. S. M. Bose, Maulvi Tamizuddin Khan, Rai Sahib Sarat Chandra Bal, Mr. D. J. Cohen, Khan Bahadur Muhammad Abdul Momin, Mr. A. F. M. Abdur Rahman, Mr. P. N. Guha and Khan Bahadur Maulvi Azizul Haque, with instruction to submit their report within three days from the date on which this motion is carried in Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Bengal Municipal Bill, 1932.

[The discussion on the Bengal Municipal Bill, 1932, was then resumed.]

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that after clause 69 the following be inserted, namely:—

"69A. If any person who applies or is proposed for employment in a municipality is related by a blood relationship to, or is closely connected by marriage with, the chairman, vice-chairman or any commissioner or any of the officers mentioned in sub-section (*1*) of section 69, the fact and the nature of such relationship or connection shall in writing be notified to the authority making the appointment before the appointment is made, and in default thereof the appointment, if made, shall be deemed to be invalid."

The wordings of my amendment make my meaning clear. My idea is that any possibility of nepotism or special favouritism amongst those who are already in possession of the municipality should be strictly prohibited. That can only be possible if some such rule is laid down, otherwise the municipality would not be in possession of all facts.

Similarly in the Calcutta Corporation a rule has been introduced in the Act of 1923 by the wisdom of Sir Surendra Nath Banerjea who new the country very well, and who knew that the possibility of avouritism was there. That was why such a clause has become a part of the Municipal Act of 1923. I now suggest to the Hon'ble Minister that a similar clause ought to be added and extended to different parts of Bengal. This is the occasion to do it. This Municipal Bill which is about to be passed into law cannot be amended for another 30 or 40 years and so there will be no possibility of introducing such a clause in the Act for sometime to come.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I shorten the discussion by saying that I am prepared to accept this amendment subject to certain verbal alterations in drafting? It would read thus—

"That after clause 69 the following be inserted, namely:—

'69A. Every person applying for employment in a municipality shall, if he is related by a blood relationship to, or is closely connected by marriage with, the chairman, vice-chairman or any commissioner, or any of the officers mentioned in sub-section (*1*) of section 69, notify in writing the fact and the nature of such relationship or connection to the authority making the appointment before the appointment is made and in default thereof the appointment, if made, shall be deemed to be invalid'."

Rai Bahadur Dr. HARIDHAN DUTT: I accept this.

Mr. PRESIDENT: Will the Hon'ble Minister move it as a separate amendment?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes I will. I beg to move that after clause 69 the following be inserted, namely:—

"69A. Every person applying for employment in a municipality shall, if he is related by a blood relationship to, or is closely connected by marriage with, the chairman, vice-chairman or any commissioner, or any of the officers mentioned in sub-section (*1*) of section 69, notify in writing the fact and the nature of such relationship or connection to the authority making the appointment before the appointment is made, and in default thereof the appointment, if made, shall be deemed to be invalid."

The motion was put and agreed to.

The motion of Rai Bahadur Dr. Haridhan Dutt, therefore, failed.

Clause 70.

Mr. PRESIDENT: The question is that clause 70 stand part of the Bill.

The motion was put and agreed to.

Clause 71.

Mr. PRESIDENT: The question is that clause 71 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 71(*a*), in lines 2 to 4, for the words "in the offices specified in sub-section (*1*) of section 69, and as" the following be substituted, namely:—

"as health officers, sanitary inspectors."

Sir, it should not be left to the Government to prescribe qualifications of municipal officers. In these matters the commissioners should be allowed to use their discretion. It is preposterous to suggest that the commissioners at a meeting are not competent to prescribe the qualifications of their own officers. The qualifications of the sanitary experts such as health officers and sanitary inspectors, etc., may, however, be fixed by Government as is done now.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept this amendment subject to verbal alterations. It will read thus:—

"That in clause 71(*a*), lines 2 to 4, for the words, brackets and figures 'in the offices specified in sub-section (*1*) of section 69 and as' the words 'engineers, health officers, superintendents of water works, sanitary inspectors, assessors, accountants, overseers' be substituted."

4-15 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I oppose the amendment proposed by the Hon'ble Minister. It is different from the proposal of the Rai Mahasai who wanted to limit the power of Government to health officers and sanitary inspectors only. There is no reason why the other officers mentioned by the Hon'ble Minister should not be selected by the municipal commissioners at their discretion—I refer specially to the appointment of assessors which in this connection

seems to be entirely out of place, because assessors are dealt with in a subsequent clause of the Bill, where it is provided that Government will prepare a panel of assessors. That being so, assessors are entirely out of place in this amendment. As regards other officers such as sanitary inspector, health officer, etc., I do not think that Government should specify their qualifications.

The motion of Munindra Deb Rai Mahasai was then, by leave of the Council, withdrawn.

The following motion was then put and agreed to:—

"That in clause 71(*a*), lines 2 to 4, for the words, brackets and figures 'in the offices specified in sub-section (*1*) of section 69 and as' the words 'engineers, health officers, superintendent of water works, sanitary inspectors, assessors, accountants, overseers' be substituted."

Mr. PRESIDENT: The question is that clause 71, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 72.

Mr. PRESIDENT: The question is that clause 72 stand part of the Bill.

Rai Bahadur KAMINI KUMAR DAS: I beg to move that in clause 72(*1*), in lines 2 and 3, after the words "at their office" the words "or at some other convenient place if circumstances necessitate" be inserted.

Sir, my object in moving this motion is not to bind the commissioners to hold their monthly meetings in their office only. There is no harm if the words "in their office" be omitted because in that case the commissioners may exercise their own discretion. So I submit that the words "or at some other convenient place if circumstances necessitate" should be inserted in this clause: otherwise no meeting can take place at all if for some unavoidable reason or circumstances it is not possible to hold the meeting in the municipal office.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have to oppose this amendment. The Select Committee very carefully considered this clause and they decided to omit these words as they were in the original Bill, because they considered it absurd to allow a meeting of the municipality to be held at someone's parlour. If for any reason a meeting has to be held at some other place, that place should be

transformed for the time being into the office of the municipality. In view of what I have said I hope the mover will withdraw his amendment.

The motion of Rai Bahadur Kamini Kumar Das was then put and lost.

Mr. PRESIDENT: The question is that clause 72 stand part of the Bill.

The motion was put and agreed to.

Clauses 73 to 75.

Mr. PRESIDENT: The question is that clauses 73, 74 and 75 stand part of the Bill.

The motion was put and agreed to.

Clause 76.

Mr. PRESIDENT: The question is that clause 76 stand part of the Bill.

Rai Bahadur KAMINI KUMAR DAS: I beg to move that in clause 76, in lines 2 and 3, after the words "his own" the words "conduct or" be inserted.

Sir, I do not think that if disqualification is to be insisted on, a person's "conduct" should be omitted. This word was in the original Bill and I submit that it should be re-inserted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment. The Select Committee omitted this word for very cogent reason and I do not see any ground for re-inserting it. When a man's conduct is called into question it is but fair that he should be given an opportunity to vindicate his conduct. He is as much a member of the body as others are and he has as much right to vote one way or the other as the others have. There is no reason why he should be debarred from voting.

The motion of Rai Bahadur Kamini Kumar Das was then put and lost.

Mr. PRESIDENT: The question is that clause 76 stand part of the Bill.

The motion was put and agreed to.

Clause 77.

Mr. PRESIDENT: The question is that clause 77 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 77 (*3*), in line 4, for the words "person presiding" the words "chairman or in his absence the vice-chairman" be substituted.

Sir, there are practical difficulties in giving effect to the clause as it stands. If a meeting is called and if at the time appointed for the meeting a quorum is not present the meeting stands adjourned to some future date, the provision is that the future date should be fixed by "the person presiding". Sir, this cannot be done by anybody except the chairman or vice-chairman who only has got the power to call a meeting. If it is to be done by the person who happens to be presiding, difficulties will arise. There will be no difficulty if the amendment is accepted and if it is left to the chairman or vice-chairman to fix a date for the next meeting.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to support the motion moved by my friend Dr. Sen Gupta. This section assumes that there should be a president even if there is no quorum. This may not be possible, for if the chairman and the vice-chairman are absent and only one member be present or if two be present and they do not agree as to which of them will preside, there will be difficulty. The best course will be to leave it to the chairman to issue fresh notice if a quorum is not present.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have to oppose this motion The idea is that when a meeting is adjourned the date for the next meeting should be announced at once and it cannot be done by the chairman or vice-chairman if they are absent. It must be done by the presiding officer.

Dr. NARESH CHANDRA SEN GUPTA: How can there be a president if there is no quorum?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I would refer the hon'ble member to clause 74 where it is laid down that in the absence of both the chairman and vice-chairman the commissioners shall choose some one of their number to preside.

Dr. NARESH CHANDRA SEN GUPTA: But when there is no quorum how can they do it?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept this amendment. I am grateful to the hon'ble member for pointing this out. (Hear, hear.)

The motion of Dr. Naresh Chandra Sen Gupta was then put and agreed to.

Mr. PRESIDENT: The question is that clause 77, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

[At 4-35 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.]

Rai Bahadur Dr. HARIDHAN DUTT: Before I move my motion I beg your permission to add the words "at least" before the words "three days" in the third line of the motion.

Mr. PRESIDENT: All right.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that after clause 77 the following be inserted, namely:—

"77A. A list of the business to be transacted at a meeting and, in the case of a meeting called on a requisition, the terms of the requisition shall be sent to every commissioner at least three days before the date appointed for the meeting, and no business shall be brought forward at a meeting of which such notice has not been given."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment, Sir.

The motion of Rai Bahadur Dr. Haridhan Dutt was then put and agreed to.

Clause 78.

Mr. PRESIDENT: The question is that clause 78 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 78 (*l*), in line 2, after the word "commissioners" the following be inserted, namely:—

> "after the draft thereof has been approved of by the commissioners who took part in the debate."

I also beg to move that to clause 78 (*l*) the following be added, namely:—

> "and the speeches of commissioners shall be tendered to the commissioners for revision before it is incorporated and published in the minutes of proceedings."

In doing so, I beg to inform the House that these are very necessary amendments. It is known almost to every one who lives in a municipality, that there are parties in every municipality and where there are two parties, there is a natural tendency in some cases at least, though not in every case, on the part of the president or the chairman presiding over those meetings, to commit injustice on those commissioners who are in a minority there, and the speeches and observations of the minority group of commissioners are never actually reported in the minutes of the proceedings of that municipality. On the contrary, their speeches are distorted and what they had actually said does not perhaps see the light of day. The executive, and the head of the executive, the chairman or the vice-chairman, who has the privilege of presiding over these meetings oftentimes exercise arbitrary powers in the matter of omitting speeches as they were actually said in the discussions and debates in the municipal meetings. I have, Sir, very sad experience of this sort of arbitrary action. The basic ideas in such matters are the incorporation of the actual speeches in a book or minutes of proceedings to be kept, their circulation to all commissioners for correction and their submission to Government so that Government might see both sides of the shield before they actually approve of the minutes of the proceedings. Moreover, this will give Government an opportunity of seeing what the minority commissioners had said on behalf of their ratepayers against certain motions or in support of certain motions, which were discussed in that municipality. If this privilege is not given to the commissioners, then it will be useless for them who take part in the debates and discussions. Supposing they lose, but often times it is found that those who lose do so owing to the tyranny of the majority, and that is no reason to suppose that they were necessarily in the wrong. Their point of view should be circulated among the ratepayers and should be brought to the notice of Government; it is with this idea that I have moved these two motions. The argument might be brought forward that the *mufassal* municipalities will not be willing to spend money or take the trouble

of circulating the speeches for approval of the commissioners who take part in the discussion. But that much trouble and trifling expenditure should be shouldered by municipalities for the benefit of the ratepayers and the commissioners. Municipalities have got their peons and servants who go on circulating notices of meetings and other papers; along with these may be easily sent copies of the discussions and debates which will be incorporated in the minutes of the proceedings. If these are circulated, commissioners should be given two days' time in which to correct them, and if within the two days, if a commissioner does not send them back corrected, they will have to be taken as accepted by the commissioners and incorporated in the official proceedings as is the case with the proceedings of this Council. They will not cost much, because every municipality practically has nowadays got a typewriter machine or a Roneo. It is not necessary that they should be printed. With these words, Sir, I commend my motions to the acceptance of the Hon'ble Minister, and of the House.

Dr. NARESH CHANDRA SEN GUPTA: I oppose the motions. My learned friend's idea seems to be that the minutes of proceedings of municipalities should contain a report of the debate which I think is not the case at present, nor should it be so. It is only the decisions that are recorded, so under these circumstances, all these precautions seem to be wholly unnecessary.

Rai Bahadur KESHAB CHANDRA BANERJI: I regret to have to oppose the amendments moved by Dr. Amulya Ratan Ghose and to characterise them as unpractical and absurd. Those among us here who have been commissioners of any municipality know very well that in the proceedings of municipal meetings, speeches are not recorded; only the decisions arrived at are recorded and then the proceedings are put up before the chairman for necessary corrections of the draft and after that they are placed before the next meeting for confirmation. Municipal meetings are not meetings of the Bengal Legislative Council and there are no stenographers to take down the speeches of the commissioners. And if the provisions suggested by Dr. Amulya Ratan Ghose find a place in the Municipal Act, it will be difficult for many municipalities in Bengal, not to speak of smaller municipalities, to put them into operation.

Besides, in debates in municipal meetings, rules are not strictly observed as in the Legislative Council, and commissioners speak at random across the table—sometimes a particular commissioner speaks more than once on the same item. This makes the recording of speeches all the more difficult, and even if in such circumstances speeches were to be recorded, the minutes of a meeting would be voluminous. I, therefore, consider the suggestion an impracticable one and oppose the motion.

Babu SATYENDRA NATH ROY: I also beg to oppose the motions of Dr. Ghose. I am very sorry that he has had such bitter experience. He is connected with the municipality of Howrah whose income is over Rs. 20 lakhs. But he does not think of the sister municipalities with an income of forty or fifty thousand, where resolutions are recorded on the motion of the chairman or other commissioners. I think it will make confusion worse confounded and there will be a fresh source of dispute and quarrel over the draft which the chairman generally prepares. The speeches of the commissioners are never recorded and stenographers are never engaged. Of course I do not know what is the case in the Howrah Municipality. In ordinary municipalities they have got no stenographers, so that his amendments are quite impracticable and unsuitable and on this ground I oppose them.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose these motions. The points against these amendments have been fully exhausted by the previous speakers. Even in the Calcutta Corporation this system is not in vogue at least it does not find a place in the statute itself. Of course the speeches are recorded, but there is no provision in the Act. As has been pointed out by Dr. Naresh Chandra Sen Gupta, in a municipality debates are not recorded; only decisions are recorded, so that there is nothing to correct, and if we provide for the recording of debates it will give another incentive for making speeches, which will only make things impossible in a municipality and convert municipalities into small debating clubs or a miniature Legislative Council like this. It is neither good for the ratepayers nor for the lungs of the hon'ble members who may happen to be members of municipalities, and I would request them to reserve their energy for this House and not waste it on any *mufassal* municipality. With these words, Sir, I oppose the motions.

5 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I have experience not only of the Calcutta Corporation but also of the Calcutta Improvement Trust. I have found that although the Calcutta Improvement Trust records only the resolutions of meetings and the Calcutta Corporation records long speeches, between the two the Calcutta Improvement Trust is certainly a more business-like body than the Calcutta Corporation.

The motions of Dr. Amulya Ratan Ghose were then put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 78(2), in line 2, for the words "seven days" the words "fifteen days" be substituted.

Sir, there is no particualr reason why there should be so much hurry in this matter. As a matter of fact the District Magistrate takes no action upon the report. It will only be used for record. Besides this I would like to draw the Hon'ble Minister's attention to sub-clause (3) which provides that the minutes shall be laid before the next meeting of the commissioners for confirmation. If copies of the minutes are to be sent to the District Magistrate within seven days, then unconfirmed minutes can only be sent, which may be altogether wrong and the commissioners at the next meeting may turn them upside down. There is no use sending unconfirmed copies of the minutes and if the period be extended to 15 days, it may be possible to have the minutes confirmed at the next meeting and then sent to the District Magistrate. I hope, therefore, that the Hon'ble Minister will see his way to accept this amendment.

Babu SATYENDRA NATH ROY: Sir, I beg to support this amendment. From a practical point of view it is rather very necessary that this amendment should be accepted by the Hon'ble Minister. I would point out that holidays may intervene, suppose a meeting is held for instance just before the Puja or the Christmas holidays, and on the reopening day the chairman is away from the headquarters or the head clerk is absent from office, the proceedings of the meeting could not then be sent to the District Magistrate. All my friends who are connected with municipalities know what is being done with these minutes of proceedings. They are placed in the archives of the Magistrate's office and they are seldom placed before the Magistrate so there seems to be no special reason for such hurry in sending these proceedings within seven days to the District Magistrate. If a little more time be allowed I do not think it will act detrimentally to the interests of either the ratepayers or the Government.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise to oppose this amendment. The question regarding time-limit was very carefully considered by the Select Committee and seven days' time was considered quite sufficient for the purpose. Dr. Sen Gupta has argued that if seven days be the time allowed for forwarding to the District Magistrate, the minutes of a particular meeting of municipal commissioners, then the proceedings will not be confirmed before being sent. What I would like to point out is that even if his amendment is accepted regarding the extension of time to 15 days, the situation does not improve at all, because the minutes of the previous month are generally confirmed at the next monthly meeting. So there must be clearly a month's time and not 15 days for the proceedings to be confirmed. On this ground, I oppose the amendment.

Babu KHETTER MOHAN RAY: Sir, I oppose the amendment. If copies of the minutes are to be sent to the District Magistrate these should be done as soon as possible. Seven days' time is quite sufficient. Dr. Sen Gupta said that, before the minutes are confirmed, copies should not be sent to District Magistrate because there may remain inaccuracies which are generally corrected in the next meeting at the time of confirmation. But I should say that proceedings of the next meetings in which proceedings are confirmed have also to be sent to the District Magistrate and consequently the Magistrate will also get the corrected copies of the proceedings if any correction is made. I do not see any reason why sending of the copies of the proceedings should be delayed, when the District Magistrate is entitled to get every copy of the proceedings.

Dr. AMULYA RATAN GHOSE: Sir, I beg to point out that as Mr. Ray has just said if unconfirmed minutes of proceedings be sent once to the District Magistrate these should again be sent after confirmation. Inadequate proceedings and proceedings which are not confirmed at a subsequent meeting need not be sent to the District Magistrate as it will cause a lot of unnecessary trouble to the municipality. If confirmed minutes of proceedings are sent to the District Magistrate it will very well serve the same purpose and the municipality will also be saved much unnecessary expenditure and an unnecessary waste of time. It is, Sir, with this object in view that I have given notice of another motion that after the word "days" the words "after confirmation" be added.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Dr. Sen Gupta says that there is no provision in the Act under which the District Magistrate can take any action on these minutes of meetings. That is not, however, the fact. I would refer my friend to sub-clause (2) of clause 533 under which the District Magistrate, if he finds that any decision of the municipality is likely to lead to a serious breach of the peace or to cause serious injury or annoyance to the public or to any class or body of persons must take action forthwith. If we have to wait till the minutes are confirmed before being sent to the District Magistrate this object of the Bill will be frustrated. As was pointed out by Mr. Ray, in case of any change in the minutes of proceedings the corrected minutes should be sent to the District Magistrate. I think, Sir, that should be proper procedure. "Forthwith" was the expression used in the original Bill, but the Select Committee, after a very careful consideration, changed it into seven days and that is quite a good time and it will not put the municipality into any expense. On the other hand, by extending the time we may frustrate the object of clause 533. It is very important from

the public point of view that the District Magistrate should know what is happening in a municipality within his jurisdiction as it may be necessary for him to intervene at any moment if there is any serious trouble.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Mr. ANANDA MOHAN PODDAR: Sir, I beg to move that after clause 78 (3) the following be added, namely:—

"(4) All records, minutes of proceedings and other papers connected with the municipality shall be open to the access and inspection of the commissioners at a prescribed period during the office hours."

Sir, the commissioners are the representatives of the ratepayers and as such the ratepayers' interests are vested in them. In order to discharge the great duty entrusted to them, the commissioners must be conversant with the contents of the papers and records connected with the municipality. It is simply an irony of fate that the individual commissioners are sometimes denied this fundamental right of access to municipal papers. I know of a certain municipality where the chairman by a stroke of pen debarred a commissioner from the access to municipal papers and records simply because the latter was not pulling on well with him. The commissioner in such an event has to rest content with his fate, as the law does not provide him with any remedy. This is far from a desirable situation. If the commissioners are deprived of their right to inspect the municipal records how can they discharge their duties properly.—

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I intervene at this stage and point out that I fully accept amendment of Mr. Narendra Kumar Basu? In view of that I would request the member to kindly withdraw his motion.

Mr. ANANDA MOHAN PODDAR: Sir, in that case I would like to withdraw mine.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 78 stand part of the Bill.

The motion was put and agreed to.

Mr. NARENDRA KUMAR BASU: Sir, with your permission I would ask for leave to make a verbal alteration in this amendment; it will then read as follows:

"That after clause 78, the following be added, namely:—

'78A. A commissioner shall have the right to inspect all books of the municipality at such times as the commissioners at a meeting may fix for this purpose:

Provided that the chairman may, for reasons to be recorded by him in writing, direct that any particular book shall not be inspected without the direction of the commissioners at a meeting.' "

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 78A stand part of the Bill.

The motion was put and agreed to.

Clause 79.

Mr. PRESIDENT: The question is that clause 79 stand part of the Bill.

5-15 p.m.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 79 (2), in line 3, after the word "committee" the following be added, namely:—

> "and who shall be selected from the different wards of the municipality and not more than one from each ward and the remaining seats to be filled up by commissioners appointed by the Government or from other elected members."

I also beg to move that in clause 79 (2), in lines 3 to 6, the following be omitted, namely:—

> "and of such other persons not exceeding one-third in number as the commissioners at a meeting may, from time to time, by a specific resolution, determine and elect for this purpose."

The object of this motion is to see that every ward of a municipality is represented in the formation of standing committees. There are municipalities where there are wards from which two or three or more commissioners were represented. In such cases where there are also parties, as is usually the case with municipalities, the party

which is in the majority want to monopolise all the standing committees, and they do not care to see whether a certain ward is represented or not when these standing committees are formed. And when nominated commissioners are appointed they do not care to see whether they are on the standing committees. They simply do things in a way which serve their party purposes and to save the interests of some particular wards which might go unrepresented in a municipality in the formation of standing committees that I have felt a necessity to move this amendment. It becomes often times the case that one ward goes unrepresented totally whereas another ward gets over representation. In a standing committee of 12, sometimes three are taken from one ward, two from another and one from another and from one particular ward not a single member is taken. That is a bad principle and I think that sort of practice ought to be changed and every ward ought to be given its proper share of representation on the standing committee.

As regards the next motion, it is not desirable that outsiders should be allowed to meddle in municipal affairs, men who are not responsible to the electors. I think Government reserves some seats for outsiders with the idea that some experts might have a chance to be members of these standing committees. Of course this is a good idea. But what I have often seen happening that these seats are filled by pocket men of the party which is in the majority. (A VOICE: Who are pocket men?) Those men who are carried in their pockets. That is not desirable. (A VOICE: Are those elected men?) They are both elected and nominated. That is why I have thought it necessary to move this amendment and I hope that the Government will have no objection to accept them.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am sorry I shall have to disappoint Dr. Ghose. He seems to be against the majority party and that is because of his sad experience in Howrah. I would request him to hold his soul in peace. He may belong to the majority party at the next election and I wish him success. The majority party will always be in the majority and it can never be said whatever the majority has done is wrong. The real master is the majority and if the minority is always up against the majority then democracy will be impossible. Moreover, I would refer the hon'ble member to clause 18 of the Bill where it is said that Government may divide a municipality into different wards and determine the number to be appointed from each ward. So, it is absolutely discretionary. Some municipalities are too small to be divided into wards. How do you expect standing committees to be formed there according to Dr. Ghose's amendment? He is against the co-option or selection of

outsiders but it may be necessary sometimes to have the help of outside experts and if you want to rule out outsiders the municipality will be deprived of the help of experts, which is not at all desirable.

This system has worked quite satisfactorily in the Calcutta Corporation and I am quite sure if it is introduced in the *mufassal* municipalities it will prove equally successful.

The motions of Dr. Amulya Ratan Ghose were put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 79 (*d*), in lines 3 and 4, the words "unless in special cases the commissioners at a meeting otherwise direct" be omitted and after that sub-clause the following be inserted, namely:—

"Provided that such confirmation or modification shall not be necessary if in delegating any of their functions, powers or duties to any such committee, the commissioners at a meeting direct that the decision of the committee as relate to such functions, powers or duties shall not be subject to confirmation or modification by the commissioners at a meeting."

The commissioners in meeting ought to be given the power to delegate to standing committees full power to finally dispose of a case not only in special cases but also with regard to certain class of cases, *e.g.*, building committees may be appointed to finally dispose of building cases, privy appeal committee to finally dispose of privy appeal cases as is done under the Calcutta Municipal Act. Many matters are at present brought before general meetings which may be finally disposed of by committees.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I oppose this amendment. What is the difference between this and the clause? On the other hand, I think the clause is clearer. I see no justification for this amendment.

The motion of Munindra Deb Rai Mahasai was put and lost.

Maulvi MUHAMMAD HOSSAIN: I beg to move that in clause 79 (*d*), in line 3, for the words "unless in special cases" the words "except in such cases or such class of cases as" be substituted.

The reason for my moving this amendment is that the standing committee should be given a discretion in the matter for which it has been formed. The commissioners in a meeting ought to be given the power to delegate to the standing committee full discretionary power to finally dispose of a case not only in special cases but in regard to certain classes of cases. The building committee may be appointed

to finally dispose of building cases, the privy appeal cases by the privy appeal committee as is done under the Calcutta Municipal Act. So unless this power is given to the standing committees there may be difficulties in disposing of these cases early. So, my submission is that these standing committees may be given the power to finally decide the cases for which they are formed. My suggestion is that except in such cases or such classes of cases as the commissioners at a meeting direct, the committee should be given the power to finally dispose of the matter.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. I think the clause is sufficiently and perfectly clear. There is not much difference between this amendment and the original clause. I see no justification for accepting it.

The motion of Maulvi Muhammad Hossain was put and lost.

Mr. PRESIDENT: The question is that clause 79 stand part of the Bill.

The motion was put and agreed to.

Clause 80.

Mr. PRESIDENT: The question is that clause 80 stand part of the Bill.

The motion was put and agreed to.

Clause 81.

Mr. PRESIDENT: The question is that clause 81 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 81 (*1*), in line 1, after the word "dispute" the words "except disputes regarding title over or interest in any land or other immovable property" be inserted.

The jurisdiction of the courts shall not be taken away in such matters. The dispute mentioned in this clause may refer to interests in land also and hence relief in courts should not be barred.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to support the amendment. It is a very salutary provision which has not been incorporated in the Bill clause. The idea is to retain the jurisdiction of the civil courts regarding disputes for title over or interest in any land or other immovable property. I think the amendment should be accepted.

5-30 p.m.

Babu SATYENDRA NATH ROY: We are all aware of a dispute which took place sometime ago. I think Rai Bahadur Dr. Haridhan Dutt is very well aware of the dispute between the Cossipur-Chitpur Municipality and the Calcutta Corporation over the land for the Talla Reservoir Tank. The case was placed before the judiciary. It was first decided in favour of the Calcutta Corporation by the learned Subordinate Judge at Alipore, but when it went up to the provisional Bench of the Hon'ble High Court it was decided in favour of the Cossipur-Chitpur Municipality. I do not remember what happened afterwards. In these circumstances when disputes baffle the highest judiciary of the land to take away the power of the civil court and leave it to the Local Government is I think highly unjustifiable. Especially is this the case in disputes regarding any land or other immovable property. I think, therefore, the jurisdiction of the civil court should not be taken away under any circumstances where they lead to disputes regarding any land.

Mr. H. P. V. TOWNEND: I rise to oppose the amendment. This is not a question of disputes about lands between individuals who have purchased their rights or have inherited them, but it is a question of disputes between two local bodies. Disputes as to titles over land between such bodies will be disputes as to boundaries. The title was originally given to them by Government when it fixed the boundaries of the municipalities, and the disputes can be settled by redefining those boundaries. In such cases it is no earthly use for the municipalities to go to the civil courts. This House has already decided when dealing with amendments to clauses 6 and 8 to leave the power of altering boundaries to the Government; and to accept the present amendment would in effect stultify this decision. This amendment is not necessary; if a dispute turns out to be a dispute between two local bodies, Government can very well decide it. There is not much point in leaving the matter open by saying that on questions of title over land Government should not intervene and that they should be left to the civil courts. The only argument that we have heard in favour of the amendment has been Mr. Roy's; he held that these disputes are too complex for decision by Government and instanced a case which went on from court to court and from one appeal to another. From one expense to another, also! The taxpayers' money went into the pocket of lawyers. That is the very thing that we want to avoid. A private individual may spend his money on litigation if he likes: Government has no objection. But when local bodies waste their money in this way Government should certainly be able to intervene. It will be very much better to leave it to the Government to

decide disputes between two local bodies: after all Government will be quite impartial towards the local bodies concerned. I do not really think that there is any sound argument whatever in favour of this amendment and I think the remarks which I have already made are quite sufficient to convince the House of its uselessness.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Mr. NARENDRA KUMAR BASU: Sir, may I take this motion (No. 978) and the next one (No. 984) together?

Mr. PRESIDENT: Yes.

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 81 (*1*), in lines 6 and 7, and in clause 81 (*2*), in lines 12 and 13, the words "and shall not be questioned in any court" be omitted.

I think we should allow the local bodies to fight out their own cases. It is not meet and proper that the ultimate order should rest in the hands of the Government. We have heard that the duty of the local bodies is not to waste their money in going to court but I do not know whether it would be of advantage to the ratepayers of any particular municipality if through the whims and caprices of the ministry of the future that municipality were to lose valuable rights and I take it that where there is a dispute between two municipalities they would not be rash enough to rush into courts unless there were something really substantial to lose or gain. Surely the commissioners of each municipality will act as a check upon any hasty action of the executive. Moreover, we know what the local Government in this case means. It is probably the local executive, the District Magistrate on whose report the Local Government acts. It cannot really be expected that the Local Government should decide finally in matters in which they can have no personal knowledge of the fact and circumstances in distant municipalities but the facts of the case and the law can well be thrashed out in the court and I do not see any reason why the right of appeal to the civil court should be denied to the local bodies; it is a right which is open to the meanest subject of His Majesty.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment on the ground that they are practically the same because the principle is the same. As has been pointed out it is not desirable that the local bodies should be allowed to waste their money on litigation. If a private individual does it it is his look out and Government has no opportunity to intervene. But here why

should Government allow the local bodies to waste their money? Government can always take a detached view of things when there is a dispute between two local bodies and I do not see any reason why it should not be left to the Local Government to intervene instead of allowing the local bodies to go to civil courts. As we know the resources of these municipalities are very slender and it is highly undesirable that they should be given an opportunity of wasting public money in litigation. On this ground I oppose the amendment.

Dr. AMULYA RATAN GHOSE: I beg to support this motion. For obvious reasons the municipalities should have independence and freedom to choose their own choice as to who should arbiter over their disputes and it is certainly not a reasonable attitude of the Government to fetter the municipalities which they say are being provided with absolute local self-government and will be free to do things in their own way. The municipalities consist of and will consist of men of light and leading from the towns in which the municipalities will be contending parties. If those municipalities choose to fight out their own cases in courts, what is the harm to leave it to them to do? Money will certainly be spent, but do Government want to say that all the law courts and High Court should be abolished in Bengal and all the cases would be decided by arbitration by the officials of this Government. That is a very peculiar kind of mentality. I think Government want to bring every municipality and local body under their grip I do not know why the Government is so chary to give them freedom, their cherished rights, which they have all along been enjoying. Sir, this Bill which has been so much advertised as a progressive Bill, a Bill which is going to be an improvement on the old one is putting the fetter over all the municipalities and other local bodies from having their own independent choice and it is going to be something which will not be liked by the municipalities. I do not think any municipality will be willing to allow Government to pass summary judgments which will in fact be the judgments of either the District Magistrates or the Commissioners of Divisions. They will be the men who will primarily dispose of these cases but in municipal cases intricate points of law are often involved which would not be understood by men whom Government are entrusting with judgments on these cases.

Maulvi ABUL KASEM: I am not a great admirer of the lawyers. I do not advise people to go to law courts. But the argument offered by Government against this amendment to a layman like myself does

not seem to be reasonable. The argument put forward is that this clause has been put in in order to save the municipalities from wasting their money on litigation. It is a dispute between municipal bodies or a municipality and local body, both of them are trustees of public property and public funds, and Government say that they are the best people to decide who is right and who is wrong or whose claims are right and whose claims are wrong. I think in too many cases both the different local bodies will abide by the decision of Government and they will not rush into law courts. It is only in such cases where one of them is dissatisfied with the orders of Government and believes or has reason to believe or is advised by lawyers that they have got a good case, then and then only they will go to law courts and there is absolutely no reason why they should be prevented from going to law courts. Of course there should not be waste of money but may I ask the Hon'ble Minister why then the Secretary of State, by which I mean Collector of the District, rushes into the court and files civil suits at least in 75 per cent. of which cases the Government lose? Still they go to courts in the interest of taxpayers because the Secretary of State pleads that he has a good case on behalf of the ratepayers so much so that sometimes on account of the wrong advice given by the lawyers of the Secretary of State they lose the case. Sir, I know of one case in which the Secretary of State lost one lakh ninety thousand and the lawyer made a lot of money. Therefore I see no reason why if Government can fight these cases in civil courts the local bodies, who are dissatisfied with Government decision, should not be allowed to go to law courts.

The motion that in clause 81 (*1*), in lines 6 and 7, the words "and shall not be questioned in any court" be omitted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakah, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumar.
Ghose, Dr. Amulya Ratan.
Guha, Babu Prafulla Kumar.
Hakim, Maulvi Abdul.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Nessai.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Austin, Mr. J. M.
Bai, Babu Lalit Kumar.
Bai, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Khan Bahadur Maulvi Nafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Coppinger, Major-General W. V.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Henderson, Mr. A. C. R.
Hodge, Mr. J. D. V.
Hosain, Nawab Musharruf, Khan Bahadur.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Leeson, Mr. C. W.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Petre, Mr. S. F.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Ray, Mr. Saileswar Singh.
Ray, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Beoed Bihari.
Sarker, Rai Sahib Rebati Mahan.
Sen, Mr. S. N.
Sen, Mr. Giris Chandra.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A
Wordsworth, Mr. W. C.

The Ayes being 29 and the Noes 58 the motion was lost.

The motion that in clause 81 (2), in lines 12 and 13, the words "and shall not be questioned in any court" failed.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that in the proviso to clause 81 (2), in line 3, for the word "has" the word "have" be substituted.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 81, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 82.

Mr. PRESIDENT: The question is that clause 82 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 82 (*1*), in line 3, after the word "committee" the following be inserted, namely:—

> "consisting of commissioners the number of which shall not exceed one-third of the total number of commissioners."

Sir, in moving this amendment I beg to say that the committee should be limited to a certain number of commissioners and that is the reason for which I have moved this amendment. Standing committees ought not to be unwieldy and if these committees become very large their work will not be as satisfactory as that of committees consisting of smaller number of commissioners. For these reasons I commend my motion to the acceptance of the House.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. It may or may not be a committee of commissioners—it may be an expert committee. That is the idea of a committee like this. In the Calcutta Municipal Act there is such a provision, and I see no reason why commissioners should be brought in on a committee of experts. It may be necessary sometimes to consult the opinion of experts and it is to give that opportunity that a provision like this has been put in the Bill.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. PRESIDENT: The question is that clause 82 stand part of the Bill.

The motion was put and agreed to.

Clauses 83 to 85.

Mr. PRESIDENT: The question is that clauses 83 to 85 stand part of the Bill.

The motion was put and agreed to.

Clause 86.

Mr. PRESIDENT: The question is that clause 86 stand part of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that clause 86 (2) be omitted.

Sir, clause 86 (2) says that the chairman shall prepare the report and the commissioners at a meeting shall consider it and forward it to the Local Government with their resolutions thereon, if any. I beg to point out in this connection that the annual report of a municipality is nothing but a statement of the actual work done by that municipality during the previous year and as such the submission of the same to the Government should be left to the chairman alone. I am, therefore, in favour of the deletion of the clause altogether. The annual administration report contains a statement of the receipts and expenditure incurred during the previous year. The chairman is authorised

to spend money as per budget sanctioned by the commissioners at a meeting. The report as I have already stated, contains an account of the activities of the municipality in regard to education, water-supply, public works, public health and sanitation. It is, therefore, unnecessary for the chairman to put up the report before the commissioners at a meeting. Besides, Sir, considerable difficulty will arise in other respects if the administration report is placed before the meeting for the consideration of the commissioners. As a rule a copy of the report on the working of the municipality is supplied to every member as soon it is printed.

6 p.m.

Sir, in the administration report the chairman of a municipality is authorised to mention names of those gentlemen who have rendered valuable public service in their capacity as commissioners; and if this report is placed before commissioners at a meeting, great difficulties will arise over the insertion of the names of a particular commissioner or commissioners who do not deserve any commendation for their work. The chairman being the administrative head of a municipality, he is the best person to judge who, amongst the commissioners, have discharged their duties to the best interest of the ratepayers in general. According to the majority of ratepayers of *mufassal* municipalities, he is regarded as the best commissioner who can recommend remission of taxes; that is the idea which still obtains amongst a certain class of ratepayers and commissioners are not unoften found to support unreasonable requests of ratepayers in matters like these which are definitely against public interest, and in fact sometimes commissioners are forced to do things which are considered detrimental to the best interest of the ratepayers and to the municipal administration in general. I am, therefore, in favour of retaining the power of preparation of the annual report and its submission to Government by the chairman and the chairman alone. It is a matter of principle on which I differ from some of the members of this House. I, therefore, think that the report should not be placed before commissioners, but should be entrusted to the chairman as provided in the existing Act.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept this amendment.

Dr. AMULYA RATAN GHOSE: I oppose the amendment. This is a thing which I consider should be opposed. If the hon'ble mover's only aim is to deprive commissioners of their right to consider the administration report prepared by the chairman, then I say it is a very retrograde measure. In these days of democracy—and when democracy is so much talked of—to think that commissioners at a meeting will not have the opportunity of considering the whole year's

administration, but it will be prepared by the chairman and submitted to Government! By the omission of this sub-clause, it is sought to make the chairman a very autocratic one. Whatever work he has done for the last 12 months the commissioners will not have an opportunity of considering and giving their opinion thereon which, I think, every man of democratic views must oppose. Rai Bahadur Keshab Chandra Banerji has said that he is the best commissioner who helps ratepayers to get remission from taxes. Well, Sir, I do not understand how a municipal commissioner can help to relieve ratepayers of taxes if the executive of the municipality is not in agreement with that particular commissioner or commissioners. The administration of a municipality is in the hands of the executive; commissioners of a municipality are indirectly responsible, not directly. The Rai Bahadur says that in the administration report the names of commissioners who have rendered good service to the municipality will be mentioned as to how they have worked during the year. That recommendation of course is not a very important recommendation. I do not think that sort of recommendation is always done in every administration report; rather, that is rarely done, and whenever it is done, it is certainly the names of those commissioners who have been able to flatter the chairman very well, who will get the first place in the administration report and not the best of the commissioners. If that be the idea that the commissioners will be the henchmen of the chairman, then I consider the amendment to be a retrograde measure and therefore strongly oppose it.

Maulvi TAMIZUDDIN KHAN: Sir, I oppose the amendment. It is an amendment of a retrograde character, and it exhibits distrust in the commissioners of a municipality. The strongest argument, which the Rai Bahadur has advanced in favour of the amendment, seems to be that the chairman has to recommend names of certain commissioners who may have done good service during the year under report, and that, if that is placed before the commissioners, at a meeting, not only the position of the chairman becomes delicate, but there will also be a great row and it will be a hot day for him at the meeting.

Rai Bahadur KESHAB CHANDRA BANERJI: May I rise to a point of personal explanation, Sir? I never said that this was one of the reasons for which reports should not be submitted to commissioners' meeting. There are other weighty reasons which I have already put forward before the House.

Maulvi TAMIZUDDIN KHAN: At least that was one of his chief reasons. That seems to be a very slender argument for depriving commissioners of an opportunity to consider the report which is in fact a review of the work done by the commissioners during the whole year.

If this power is taken away from commissioners, I think the House will agree that the step will be an extremely retrograde one and I trust the House will reject this amendment. I am surprised that the Government have thought it fit to accept a retrograde amendment like this.

Mr. H. P. V. TOWNEND: May I explain to the House that the object of accepting this amendment is not to prevent commissioners from considering a report if they think it necessary to consider the report. The first sub-clause of clause 86 says "that the commissioners shall submit to the Local Government a report". There is nothing to prevent commissioners from passing resolutions that the report must be submitted to them.

The motion that clause 86 (2) be omitted was then put and a division taken with the following result:—

AYES.

Banerji, Rai Bahadur Keshab Chandra.
Blandy, Mr. E. R.
Chaudhuri, Khan Bahadur Maulvi Razzur Rahman.
Coppinger, Major-General W. V.
Das, Rai Bahadur Satyendra Kumar.
Faraqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Henderson, Mr. A. G. R.
Hodge, Mr. J. D. V.
Khan, Maulvi Amin-uz-Zaman.
Khan, Mr. Razaur Rahman.
Mitter, the Hon'ble Sir Provash Chunder.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Munindra Deb.
Reid, the Hon'ble Mr. R. N.
Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Sneet Bihari.
Sarkar, Rai Sahib Rebati Mahan.
Sen, Mr. B. B.
Sen, Mr. Girin Chandra.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Rai Sahib Sarat Chandra.
Baltabh, Rai Bahadur Debendra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumar.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Kasem, Maulvi Abul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Seth Hunuman Prasad.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Rout, Babu Hemen.
Roy, Babu Satyendra Nath.
Sen, Rai Sahib Akshoy Kumar.
Shah, Maulvi Abdul Hamid.

The Ayes being 35 and the Noes 33, the motion was carried.

6-15 p.m.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that clause 86 (*3*) be omitted. Clause 86 (*3*) says that the report shall be published in such manner as the commissioners at a meeting, subject to the approval of the Local Government, may direct. I need not advance any argument in favour of this amendment. My argument is practically the same as that I put forward in moving my previous amendment.

Maulvi TAMIZUDDIN KHAN: I rise to oppose this amendment. The clause says that the report shall be published in such manner as the commissioners at a meeting may direct. It was pointed out by Mr. Townend that if sub-clause (*2*) were deleted it would be left to the commissioners to consider the report because the last sentence of sub-clause (*1*) says that a copy of the report shall be submitted by the commissioners to the District Magistrate. Sir, if this clause be deleted there will be another impediment against the commissioners considering the matter in any way. The arguments against deletion of sub-clause (*2*) also apply to the deletion of sub-clause (*3*). This clause will not compel the chairman as apprehended by some members to place the report before the meeting but simply the commissioners will have power to direct the chairman to publish the report. When this clause were incorporated by Government in the Bill I do not think they incorporated it on no ground whatsoever. There seems to be no reason why this sub-clause should be deleted. The deletion of this clause will be another undemocratic step and as such I oppose it with all the emphasis I can command.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose this amendment. It seems to me that in addition to the reasons given by the previous speakers one of the grounds on which this sub-clause in the Bill should be retained is that it gives an opportunity to the ratepayers to find out what the report is. The clause says that the annual report should be published and thus give an opportunity to the ratepayers to see how the municipality has been working and what the municipal commissioners have been doing. I see no reason why the ratepayers should be denied this opportunity.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I would request the Rai Bahadur to withdraw this motion.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg leave to withdraw this amendment.

The motion was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 86, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 86A.

Mr. PRESIDENT: The question is that clause 86A stand part of the Bill.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that in clause 86A, in line 1, after the word "acquire" the words "by gift or otherwise" be inserted.

My amendment is only to make the section clear——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have much pleasure in accepting the amendment.

The motion of Mr. Narendra Kumar Basu was then put and agreed to.

Dr. AMULYA RATAN GHOSE: Sir, I rise to formally move that to clause 86A the words "for the purposes of this Act" be added.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I formally oppose it. It is quite unnecessary.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. PRESIDENT: The question is that clause 86A, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 87.

Mr. PRESIDENT: The question is that clause 87 stand part of the Bill.

Babu SATYENDRA NATH ROY: Sir, I beg to move that in clause 87 (*1*) (*d*), in line 1, after the words "offensive matter" the words "deposited on streets or" be inserted. This clause——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, at this stage I may intervene and say that I am prepared to accept this amendment.

The motion of Babu Satyendra Nath Roy was then put and agreed to.

Mr. PRESIDENT: The question is that clause 87, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 88.

Mr. PRESIDENT: The question is that clause 88 stand part of the Bill.

The motion was put and agreed to.

Clause 89.

Mr. PRESIDENT: The question is that clause 89 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that in clause 89 (*1*), in line 1, after the word "school" the words "library, museum" be inserted.

Sir, it is not for the furtherance of any hobby of mine that I am going to move this amendment. Libraries and museums are generally established and maintained at public expense. Many libraries have got buildings of their own. For instance, in my district almost all the libraries in the municipal towns have got their own buildings. Some libraries have got endowments as well. If need arises would it not be advisable to vest them in the commissioners of the municipalities in the best interests of the public? If the law does not make any provision, the commissioners will be debarred from lending them a helping hand if any contingency arises. The libraries and museums are as much useful public institutions as any hospital, dispensary, school, rest-house, *ghat*, or market within a municipality. There need not be any apprehension that this would be an additional burden on municipal revenues. There is ample safeguard in sub-clause (*2*) which provides that if the commissioners at a meeting object to the transfer to themselves on the ground that they cannot bear the charges then such transfer shall not be made save under such conditions as the commissioners at a meeting may agree to accept.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I intervene at this stage and say that I would accept this amendment.

The motion of Munindra Deb Rai Mahasai was put and agreed to.

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 89 (*2*) after the word "school" the words "library, museum" be inserted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment.

The motion of Mr. Narendra Kumar Basu was then put and agreed to.

Mr. W. H. THOMPSON: Sir, may I have your permission to move the amendment which stands in my name in a slightly altered form thus—

"That after clause 89 (2) the following be added:—

(3) Sub-section (1) shall not apply to any hospital, dispensary, school, library, museum, rest-house, *ghat* or market which is vested in the Official Trustee of Bengal or to any hospital, dispensary, school, library, museum, rest-house, *ghat* or market which is under the control of a properly constituted committee of management without the previous consent in writing of such committee of management."

If the Hon'ble Minister will let me know whether he is prepared to accept it, it may not be necessary for me to say anything more on the subject.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept it.

The motion of Mr. W. H. Thompson was then put and agreed to.

Mr. PRESIDENT: The question is that clause 89, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 90.

Mr. PRESIDENT: The question is that clause 90 stand part of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, before Dr. Ghose moves his amendment No. 1011, may I have your permission to move motion No. 1011A? It runs as follows:—

"That for clause 90 the following be substituted, namely:—

90. (1) When any land, whether within or without the limits of a municipality, is required—

(a) for the purposes of this Act, or

(b) for the recoupment of the cost or any portion of the cost of carrying out any such purpose,

the Local Government may, at the request of the commissioners at a meeting, proceed to acquire it under the provisions of the Land Acquisition Act, 1894.

(2) Before requesting the Local Government to acquire land for the purposes referred to in clause (b) of sub-section (1) the commissioners shall obtain previous sanction of the Local Government and give due notice of their intention and an opportunity to any objector, who appears within such period as they may fix, to be heard in this connection.

(3) On payment by the commissioners of the compensation awarded under the Land Acquisition Act, 1894, and of any other charges incurred in acquiring the land including costs, if any, incurred by the Local Government in proceedings subsequent to acquisition concerning enhancement of the award for the land, the land shall vest in the commissioners.

(4) The commissioners shall be bound to pay to the Government the cost, including all charges and costs referred to in sub-section (3), of any land acquired for the commissioners on their application under the provisions of sub-section (1)."

Dr. AMULYA RATAN GHOSE: I beg to move that clause 90 be omitted.

This clause seeks to take away any land either inside or outside the limits of a municipality for the purpose of recoupment. In the Bengal Municipal Act there was no such rule or law by which any municipality was empowered to take away certain land or any land wherever or whenever they liked for the recoupment of the municipal fund. That will be a severe thing in the *mufassal* town where the people will be hard hit if the choicest and best portion of their land is taken away by the municipality for the purposes of recoupment. This sort of legislation will deprive many of the poorer people or many of the people who have no means to part with their land, may be affected. For that reason, Sir, I do not like that this clause should be there by which the municipality will be empowered to acquire any land. I have seen from my experience that acquisition wherever it has occurred has occurred with the greatest dissatisfaction of the owners of the land. The owners of the land lose in many respects if their lands are acquired. On that principle, Sir, I have thought fit to move this amendment and I commend this amendment to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: I fail to understand why Dr. Ghose wants the total deletion of this clause. He has said that under the present Act, the municipal commissioners cannot acquire land for public purposes. There is provision in the Act under which land can be acquired by a municipality.

Dr. AMULYA RATAN GHOSE: I never said that.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I stand corrected. The clause provides for acquisition of land for public purposes. At present, lands are acquired by local bodies such as municipalities, district boards and other local bodies for public purposes, *e.g.*, for the purpose of opening out a road or for the purpose of having the sewerage outfall works constructed and for sundry other purposes in which the public are interested, and I do not understand why the deletion of the entire clause is suggested. That will do away with all possibilities of acquiring land for the public benefit. With these words, Sir, I oppose this amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: This is certainly a new provision which has been introduced in the Bengal Municipal Bill. In the Bengal Municipal Act there is a provision for acquisition of land but there is no provision for acquisition of land for recoupment. But as we want to look ahead and give the municipalities greater power for town improvement and want to place greater responsibility on the municipalities, I think, Sir, some provision should be made which would enable them to recoup the cost that may incur in improvement. Unless this is done, it would be impossible for municipalities to undertake improvement schemes. I would remind my hon'ble friends that when the Calcutta Improvement Act was proposed to be placed on the statute book, there was a tremendous agitation in the city. There were town hall meetings, there was agitation in the Corporation, there was opposition in the Bengal Legislative Council. But what is the effect now? There is no one in the city who would hesitate to admit that it was a great boon and only people who could see ahead could anticipate this state of things. I do not think any ratepayer of Calcutta now repent, having agreed to place that Bill on the statute book. Similarly, Sir, some power is necessary for the improvement of *mufassal* municipalities. Sufficient safeguard has been provided for in the clause as redrafted. Sanction of the Local Government will be necessary before the municipalities can ask the Local Government to acquire land for recoupment. The parties should be given a hearing. Objections will be heard before any case is disposed of. So, there is ample provision against the misuse of this power. The Local Government will not easily agree to acquire lands on behalf of the municipalities where there is not much justification. There is a similar clause in the Calcutta Municipal Act and practically the same clause is proposed to be inserted in the Bengal Municipal Act. Sir, only large municipalities like that of Howrah, Dacca and Darjeeling will be in a position to take advantage of this clause and not small municipalities in the *mufassal*. So, I would appeal to the members of this House to look ahead and not to be misled by the argument that it will operate hardship on the ratepayers. Those who have experience of the work of the

Calcutta Improvement Trust would have no hesitation in admitting that no hardship has been caused to the landowners of Calcutta. On the other hand, I have seen people anxiously hoping that the Improvement Trust would come forward to acquire their land because there is a provision of 15 per cent. statutory additional compensation. So, if this provision is introduced and if *mufassal* municipalities want to take advantage of this provision, I am sure some such means of compensation would also be introduced when it is actually worked. I ask the House to agree to place this newly drafted clause in the Act. It is really in the interest of the *mufassal* ratepayers, it is really in the interest of the *mufassal* towns that this clause has been put in, and there is absolutely no chance of Government allowing the power to be misused under this clause.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

[At 6-40 p.m. the Council was adjourned for prayer and it reassembled at 6-50 p.m.]

New Clause 90A.

Babu SATYENDRA NATH ROY: On a point of order, Sir. The amendments with regard to new clause 90A should not be taken up now as they require the sanction of the Government of India which has not been received yet.

Mr. PRESIDENT: Yes, I know that.

Mr. B. C. CHATTERJEE: I want to have my amendment postponed.

Mr. PRESIDENT: I have no objection in view of the fact already stated.

Clause 91.

Mr. PRESIDENT: The question is that clause 91 stand part of the Bill.

Maulvi HASSAN ALI: I beg to move that in clause 91, in line 4, the words "not required for such purposes" be omitted.

I think it is not necessary to have the words "not required for such purposes." Roadside lands are often leased out and fetch good income. With these few words, Sir, I commend my amendment to the acceptance of the House.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: This clause is absolutely necessary as it exists in the present Act. How can a municipality go on with this power? What does my hon'ble friend mean by suggesting the omission of this clause? It is the most unpractical suggestion.

The motion of Maulvi Hassan Ali was put and lost.

Mr. PRESIDENT: The question is that clause 91 stand part of the Bill.

The motion was put and agreed to.

Clause 92.

Mr. PRESIDENT: The question is that clause 92 stand part of the Bill.

Babu SATYENDRA NATH ROY: I beg to move that in clause 92 (2), in lines 2 and 3, for the words "two hundred rupees or which shall involve a value exceeding two hundred rupees," the following be substituted, namely:

> "five hundred rupees or which shall involve a value exceeding five hundred rupees in the case of a municipality having an income of rupees fifty thousand or over and two hundred and fifty rupees in other cases."

7 p.m.

Sir, I think at least a distinction should be made between bigger and smaller municipalities. My proposal is that in the case of municipalities having an income of Rs. 50,000, the present powers should be retained and those having an income below Rs. 20,000, the amount should be limited to Rs. 250. There may be a very urgent work such as the sinking of tube-wells costing more than Rs. 200 and repairs of a particular road which has been in very bad condition during the rains. In such cases it will be very difficult to get the contracts sanctioned by the commissioners at a meeting within 15 days or three weeks and consequently the work will suffer very much. In these circumstances, as a matter of expediency, the power of the chairman to sanction at least Rs. 500 should be retained in municipalities having an income of Rs. 50,000.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to support the amendment which has been moved by Mr. Satyendra Nath Roy. Sir, from my personal experience of the administration of a municipality——

Mr. S. M. BOSE: Where?

Rai Bahadur KESHAB CHANDRA BANERJI: The Municipality of Dacca. I think it is a very useful provision. At present the chairman can spend up to Rs. 500 without waiting for the sanction of commissioners at a meeting. But under the present Bill the chairman is made a mere figurehead in the true sense of the term and if this power of sanctioning an expenditure up to a limit of Rs. 500 is taken away from him, the chairman will have no independent existence and in fact he has been deprived of some of the powers which he now enjoys under the Bengal Municipal Act of 1884. This is democracy with a vengeance! As has already been pointed out by Mr. Roy, it sometimes so happens that many important works suffer on account of the delay in obtaining sanction of the commissioners to a particular expenditure at a meeting. For example the erection of street hydrants, urgent road repairs, etc. Such petty works cannot be sanctioned by the chairman and if he is to wait for the sanction of commissioners at a meeting, it will mean unnecessary delay and hampering of public work.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose the motion. It seems to me that the two chairmen who spoke in support of the motion are very anxious to preserve their rights and privileges. I do not think it will be necessary for the Council to support the chairmen against the commissioners at a meeting.

Dr. AMULYA RATAN GHOSE: Sir, I oppose the motion. It is rather a thing which gives the chairman unnecessary power. It is already in the Bill that he can do certain things without the consent of the commissioners at a meeting.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I point out that amendment Nos. 1021 to 1028 may be taken up together?

Mr. PRESIDENT: If you do that it may take more time. If 1021 fails the other amendment will automatically fall to the ground.

Dr. AMULYA RATAN GHOSE: I think that the purpose of spending money by the chairman without the sanction of the commissioners at a meeting will be served by the provision made in the report of the Select Committee that is quite enough. He can spend as many times as he likes Rs. 200 and by this he can spend even two lakhs,

twenty lakhs: there is no barrier to that. The chairman is empowered to spend Rs. 200 as many times as he likes; therefore whether we give him the power to spend up to Rs. 500 or not does not matter. If that is the case I do not see any reason why there should be any anxiety to get the power of chairman to sanction an amount of Rs. 500 without the consent of commissioners. He can spend any sum within the budget provision for water-works or street lighting or conservancy works. What actually happens is that the chairman creates some henchmen in the party of commissioners by helping some of them with this power of sanctioning Rs. 500 to carry on things in his ward. By this means the chairman satisfies a number of commissioners or a group of commissioners but in doing so the other wards suffer, where the commissioners may be more straightforward in their opposition and may not have satisfied the chairman. Those wards are denied their most reasonable demands. I think that the power to sanction Rs. 200 should be still further reduced. I congratulate the Government as also the Select Committee for taking note of this matter.

Babu KHETTER MOHAN RAY: I think the amendment of Babu Satyendra Nath Roy is an improvement on what has been done by the Select Committee but there is a distinction made between the municipalities having an income of Rs. 50,000 and those having less. This power is absolutely necessary and it was advocated by those who have experience in the Select Committee and Rs. 200 has been retained as the amount which is within the power of the chairman to spend without sanction. This power is necessary in this way—in larger municipalities the chairman ought to have power to spend Rs. 500 and in smaller municipalities Rs. 200 only would, I think, be sufficient. I think in case of an emergency this power is necessary otherwise the work of the municipality cannot be carried on. With these remarks I support the amendment moved by Babu Satyendra Nath Roy.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment but certainly not on the same ground as Dr. Amulya Ratan Ghose because in my opinion neither the chairman nor the commissioners are in the opinion of Government so abominable creatures as he paints them nor are the commissioners so greedy. I oppose it only on the ground that the Select Committee went into this matter very thoroughly and made certain recommendations and Government see no reason to revise their recommendations in this case.

The motion of Babu Satyendra Nath Roy was put and lost.

Mr. PRESIDENT: The question is that clause 92 stand part of the Bill.

The motion was put and agreed to.

Clause 93.

Mr. PRESIDENT: The question is that clause 93 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 93 (*1*) (*ii*), in lines 3 and 4, after the words "chairman, vice-chairman or commissioner" the words "knowing that it is illegal" be inserted.

Sir, illegal payment made *bona fide* without the knowledge that it was illegal should be excepted. A public servant should not be made liable for actions taken *bona fide*. The person should be penalised only when he acted with the knowledge that the act was not according to law.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. Ignorance of law is no excuse. Being a chairman or a vice-chairman or a commissioner it is his business to know whether it is legal or illegal. I oppose it.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Maulvi SYED MAJID BAKSH: I beg to move that in clause 93 (*2*), in line 8, the words "or by the Local Government" be omitted.

In cases of suits for compensation the commissioners are competent enough to institute a suit if they arrive at such a decision at a meeting. The commissioners are primarily concerned and if they do not like to institute a case they should not be compelled to do so.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government is prepared to accept the amendment.

The motion of Maulvi Syed Majid Baksh was then put and agreed to.

MUNINDRA DEB RAI MAHASAI: I beg to move that clause 93 (*3*) be omitted.

This is a consequential amendment and should be accepted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I accept it.

The motion of Munindra Deb Rai Mahasai was put and agreed to.

Mr. NARENDRA KUMAR BASU: I beg to move that after clause 93 the following be added, namely:—

"*Explanation.*—The institution of a prosecution found by the court trying the case to be *mala fide* is misconduct within the meaning of the section."

This is intended to prevent *mala fide* prosecutions by chairmen of municipalities which are of frequent occurrence on account of party factions.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government is prepared to accept this amendment subject to certain alterations. It runs thus—

"That after clause 93 the following be added, namely:—

Explanation.—The institution of a case which is found by the court by which the case is heard to be *mala fide* is misconduct within the meaning of clause (*c*) of sub-section (*1*)."

Mr. NARENDRA KUMAR BASU: I accept it.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Mr. Narendra Kumar Basu, therefore, failed.

Mr. PRESIDENT: The question is that clause 93, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 3 p.m., on Tuesday, the 23rd August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 23rd August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 116 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Placing of boulders round the piers of the Hardinge Bridge.

***126. Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that huge quantities of boulders are being pitched round the piers of the Hardinge Bridge at Paksey?

(*b*) If so, will the Hon'ble Member be pleased to state the reasons therefor?

(*c*) Has an expert opinion been taken as to—

(*i*) what may be the effects of such obstructions to the River Padma; and

(*ii*) any chance of the River Padma changing her course with disastrous effect to the neighbourhood?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) A quantity of 755,000 cubic feet of boulders has been so placed from March to May, 1932, but none since then.

(*b*) The boulders have been placed round piers where deep scour holes have been formed below the bed of the river, in order to prevent further scour action endangering their safety.

(*i*) The opinion of the Railway administration and of the technical advisers of the Local Government is that there will be no injurious effects as no obstruction has been caused.

(*ii*) There is no likelihood of the river changing its course owing to the work which has been carried out.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state at whose cost these boulders have been placed?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Government cost.

Khan Bahadur Maulvi AZIZUL HAQUE: Which Government, Imperial or Provincial?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Imperial Government.

Maulvi SYED MAJID BAKSH: Have the boulders been placed under expert advice?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Most decidedly.

Persons in detention without trial.

*127. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the total number of Bengali—

(*1*) ladies, and

(*2*) gentlemen,

who are at present in detention without trial under Regulation III of 1818, the Bengal Ordinance and the Bengal Criminal Law Amendment Act; and

(*ii*) how many of them are—

(*1*) imprisoned in Bengal jails,

(*2*) imprisoned in jails outside Bengal,

(*3*) interned in Bengal villages,

(*4*) confined in detention camps in Bengal, and

(*5*) confined in detention camps outside Bengal?

(*b*) Is it a fact that all the detenus are of the social status of the educated middle or *bhadralok* classes?

(*c*) How many of them have University degrees?

(*d*) How many of them are students who were actually studying or had just passed out of their colleges or schools at the time of their arrests?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) A statement is placed on the table.

(*b*) The majority of them are of the *bhadralok* class.

(*c*) and (*d*) The collection of the required information would entail so much time, labour, and expense that Government are not prepared to undertake the task.

Statement referred to in the answer to clause (a) of starred question No. 127.

	Regulation III of 1818.	Bengal Criminal Law Amendment Act, 1930.
(i) Total number who are at present in detention, including village domicile—		
Females	Nil	11
Males	21	1,125
(ii) (1) Number imprisoned in Bengal Jails—		
Females	Nil	10
Males	1	196
(2) Number imprisoned in jails outside Bengal—		
Females	Nil	Nil.
Males	20	92
(3) Number interned in Bengal villages—		
Females	Nil	1
Males	Nil	138
(4) Number confined in Detention Camps in Bengal—		
Females	Nil	Nil.
Males	Nil	699
(5) Number confined in Detention Camps outside Bengal—		
Females	Nil	Nil.
Males	Nil	Nil.

Note :—Number of persons detained under the Bengal Emergency Powers Ordinance IX of 1932 .. .. .. Nil.

Special Powers Ordinance 7

Water-rate tax.

*128. **Mr. SAILESWAR SINGH ROY:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware that owing to economic depression in the country the people feel it difficult to pay the water-rate tax charged by the Irrigation Department?

(*b*) Is it a fact that the area under contract is gradually on the decrease?

(*c*) Do the Government propose to lower the water-rate this year as a measure of temporary relief to the people?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) and (*b*) Yes.

(*c*) Action has been taken in the case of the Midnapore and Bakreswar Canals. The case of the Eden Canal is under consideration.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state the nature of action taken in regard to the Midnapore and Bakreswar Canals?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It may be presumed that necessary action has been taken for the reduction of water-rates.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether the Bakreswar Canal, is still shown as a productive concern?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: It is and it will be.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that with deterioration at the present rate the Bakreswar Canal cannot possibly be a productive concern?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid I cannot agree with that view.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state the annual realisation of taxes by the Irrigation Department under this head?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I am afraid I cannot give you the figure offhand.

Transmission costs for landlords' transfer fees.

***129. Srijut TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the transmission costs realised for sending the landlords' transfer fees are the same in the case where there is only one landlord and also in the case where there are co-sharer landlords?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the savings of transmission cost made in the case of co-sharer landlords are refunded to the respective buyer?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Separate accounts of cost of transmission of transfer fees to sole landlords and co-sharer landlords are not kept.

Leave of officers under the Court of Wards.

***130. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that officers under the Court of Wards are not granted leave with pay even for reasons of ill health and urgent domestic reasons?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the rules, if any, under which such permission is refused?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Court of Wards employees are regarded as temporary and under the rules they are not entitled to leave if the grant of leave involves extra expense to the estate. Sometimes, however, leave with pay is granted, even if substitutes have to be engaged on pay.

(*b*) Rule 43 at page 140 of the Bengal Court of Wards Manual, 1928.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether Government are considering the desirability of amending rule 43 of the Bengal Court of Wards Manual?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not as at present advised.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not it is a fact that some of the officers of the Court of Wards estates have been holding their appointments for over a quarter of a century?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Irrigation works for agricultural purposes in East Bengal.

64. Maulvi ABDUL HAKIM: (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether any irrigation works for agricultural purposes have been done in the Dacca, Rajshahi and Chittagong Divisions since the passing of the Irrigation Act (up to the year 1931)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) the name and number of such works;

(*ii*) the localities in which such works have been executed; and

(*iii*) the total amount of money spent on such works?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: (*a*) No.

(*b*) Does not arise.

Maulvi ABDUL HAKIM: Does the Hon'ble Member think that no irrigation work is required to be done in these three divisions?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: At present nature does all the irrigation work required there.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not a fact that for the last 150 years the irrigation work is left to the care of nature?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: Nature effectively does the work in those three divisions.

Panjia Charitable Dispensary.

65. Babu SUK LAL NAG: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that the Collector of Jessore has asked the Panjia Charitable Dispensary Committee in police-station Keshabpur to show cause why the Government grant to the said dispensary shall not be withdrawn as some of the members of the committee participated in the Congress movement?

(*b*) What is the amount of Government grant to this dispensary per month?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of those members who are alleged to have participated in the Congress movement?

(*d*) Is it a fact that a deputation consisting of some respectable gentlemen of Panjia waited upon the Collector of Jessore and informed him that the only member who participated in the Congress movement was the Chairman of the committee who had resigned long before he joined the movement?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government still intend to discontinue or suspend the Government grant to the Panjia Charitable Dispensary?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) No. This is not a fact.

(*b*) Rs. 250 per annum.

(*c*) Does not arise.

(*d*) Yes. They reported that he put in his resignation just before he joined the movement.

(*e*) Government have never considered the question of discontinuance.

Muhammadan Assistant and Sub-Assistant Surgeons.

66. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the percentage of Muhammadan Assistant and Sub-Assistant Surgeons employed under the Bengal Government in the whole cadre; and

(*ii*) the number of them in the teaching staff of the Medical Department?

(*b*) Is there any likelihood of giving effect to the Government regulation to recruit more Muhammadans in the Medical Service to maintain the required percentage?

(*c*) Is it a fact that up till now only one Muhammadan Sub-Assistant Surgeon has been promoted to the rank of Assistant Surgeon in this Presidency?

(*d*) Is the Hon'ble Minister aware that there are many qualified Muhammadan Sub-Assistant Surgeons?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) 10·37 and 9·03.

(*ii*) 3 and 8.

(*b*) The Government rules regarding the proportion of Muhammadans to be appointed are strictly followed.

(*c*) Yes.

(*d*) No; not for promotion to the rank of Assistant Surgeons.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister kindly state whether he considers that 10·37 and 9·03 are sufficient percentages for Moslem employment in the Subordinate Medical Department?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The policy of Government is to fill up 33⅓ per cent. of the vacant posts by Muhammadans; but we cannot drive away the existing men and appoint Muhammadans in their place to make up the percentage.

Khan Bahadur Maulvi AZIZUL HAQUE: Is it not the rule that at least 33 per cent. of the appointments should go to the Muhammadans?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, it is acted upon.

Khan Bahadur Maulvi AZIZUL HAQUE: Is not the rule to be interpreted to mean that all vacancies should go to the Muhammadans until the percentage is reached?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not think so.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister consider the desirability of increasing this percentage in order to secure more rapid promotion to Muhammadans?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: If it is decided upon by Government, I have no objection.

Khan Bahadur MUHAMMAD ABDUL MOMIN: May I know what is his personal idea?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is a question of policy and it is for the Government as a whole to lay down the policy.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to consider the desirability of placing the matter before the Government as a whole?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, I have no objection.

GOVERNMENT BILL.

The Bengal Municipal Bill, 1932.

[The discussion on the Bengal Municipal Bill, 1932, was then resumed.]

Clause 94.

Mr. PRESIDENT: The question is that clause 94 stand part of the Bill.

Babu SATYENDRA NATH ROY: May I, with your permission, Sir, move the amendment which stands against the name of Mr. Ray Chowdhury?

Mr. PRESIDENT: You have my permission to do so, but it must be moved as your own amendment.

Babu SATYENDRA NATH ROY: I beg to move that after clause 94 (*1*) (*c*) the following be inserted, namely:—

"(*d*) such voluntary contributions as may be received by the commissioners from any individual or from the public for any general or specific purpose, such as construction of drains, roads, water-channels, etc., or the improvement thereof."

Sir, those who are connected with *mufassal* municipalities know that when there is a development in a particular area, say, for mill purposes, the mill authorities generally contribute for the construction of drains, roads, water-channels, and also any benevolent public-spirited citizen who wants to improve any particular portion of a locality generally contributes for the improvement of roads and drains in that locality. These occasions are not rare and they generally happen. Under these circumstances, I think the municipal commissioners should be empowered to accept such voluntary contributions for the purposes for which they are mentioned.

The Hon'ble Minister will see that the amendment proposed does not militate against any provision in the Bill and it refers purely to voluntary contributions.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, the amendment may not militate against any provisions of the Bill, but I submit it is quite unnecessary because clause 94 (*1*) (*a*) covers this. So I oppose the motion.

The motion of Babu Satyendra Nath Roy was put and lost.

3-15 p.m.

Mr. NARENDRA KUMAR BASU: I beg to move that clause 94 (*2*) be omitted. My position is this: this clause is misplaced in section 94. It ought to go into some other clause, preferably clause 97.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept this amendment, Sir.

The motion of Mr. Narendra Kumar Basu was put and agreed to.

Maulvi HASSAN ALI: I beg to move that after clause 94 (*2*) the following be added, namely:—

"(*3*) All revenue derived from court-fees affixed on applications, etc., filed in the municipal office shall go to the municipal fund."

Sir, we are aware that applications are made by ratepayers to municipalities for reduction of their rents, etc., and for some other matters; to these applications court-fees have got to be affixed. I think the revenue derived from these court-fees should go to the municipal fund.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. This amendment, if accepted, will affect the provincial revenue, because court-fees are a source of provincial income and I do not think it should be distributed to local bodies. For, if this

revenue from court-fees is distributed to the municipalities, then other local bodies, to whom such applications are made, will also claim to have this fund. It is a serious principle, Sir, and I must oppose it.

The motion of Maulvi Hassan Ali was put and lost.

Mr. PRESIDENT: The question is that clause 94, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 95.

Mr. PRESIDENT: The question is that clause 95 stand part of the Bill.

The motion was put and agreed to.

Clause 96.

Mr. PRESIDENT: The question is that clause 96 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that clause 96 (*d*) be omitted. The cost of audit should not be charged on the municipalities. It is the duty of Government to check the accounts of municipalities and public revenue should be utilised in meeting the expenditure incurred in the discharge of this duty imposed on Government by statute.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. It is certainly the duty of Government, but it is a duty which Government take up in the interest of local bodies, and as a matter of fact they do not charge any audit fee at present from municipalities. But they do not want to lose the right of doing so, if necessary. There is such a provision in the present Act also. I am, however, prepared to give this undertaking on behalf of the present Government, that no charge will be made so long as the present Government is in office, but it is not possible for us to bind future Governments. Again, if this power is removed from the statute, then we must have to carry the matter to its logical conclusions. We must also decide to give up charging such audit fees in the case of union boards and district boards or other local bodies, and this will cost Government nothing less than Rs. 2,50,000 a year. I would accordingly ask the hon'ble members to judge for themselves if it

is possible for Government at this stage to undertake a liability to this extent. But this much I can say that the present Government will not charge any cost for audit. But we cannot and should not bind future Governments under a future constitution. I think on this assurance the hon'ble member will not press his motion.

Mr. NARENDRA KUMAR BASU: I beg to support the amendment and for the reason given by the Hon'ble Minister for his so-called opposition. I think it speaks volumes for the moderation of the present Government that they do not want to bind their successors in any way. If that be so, I think the first thing that the Minister should have done was to provide that the life of the Bill, when passed into an Act, will be for the life of the present Government only. But it there anything to prevent a future Government, if it wants to impose an additional tax upon municipal bodies, to bring in a short amending Bill for that purpose? Moreover, as the present Government is not going to make this charge upon municipal bodies, I do not see why this clause should remain in the statute.

Babu SATYENDRA NATH ROY: In the present Act, Act of 1884, there is a provision by which Government can charge the cost of audit upon municipalities. That was in 1884, but since the year 1907 or 1908 Government has given up charging this cost. It is 25 years now, and, if, for 25 years Government has not imposed this additional burden upon the municipalities, I think there is no reason why it should be incorporated in the present Bill, which is for the better administration of municipalities. With these words I support the amendment.

Dr. AMULYA RATAN GHOSE: I beg to support the amendment because the municipalities already pay for their audit; they have their own accountants and auditors to do this work. But if the Government want to examine those accounts again, if they want to audit for their own satisfaction, certainly Government ought to pay for that audit. Why should municipalities do so?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Is Government audit done only for Government satisfaction?

Dr. AMULYA RATAN GHOSE: Yes, for, as far as municipalities are concerned they are satisfied. They have got their own accountants, and the commissioners who are the representatives of the ratepayers, they also are satisfied. Why should Government intervene to audit these accounts? If Government want to do so at all, they should do so at their own cost and not at the cost of the municipalities which do not want it.

Dr. NARESH CHANDRA SEN GUPTA: I submit that the insistence of Government upon retaining this clause can best be described in words which the Hon'ble Minister has so often applied to many of my amendments, *viz.*, extremely theoretical and metaphysical. They do not want to impose this charge upon the municipalities, but all the same the clause must be there, because of what I may call the metaphysical argument, for the purposes of the logical completeness of the Act, on the off-chance that some future Government might possibly require and raise this sum. I submit that this is the reverse of all that is practical politics—a word of which the Hon'ble Minister is so very fond.

Mr. H. P. V. TOWNEND: I shall deal, if I may, first with the argument of Dr. Naresh Chandra Sen Gupta. He says that the Minister's argument is theoretical and idealistic. Sir, the position is that the Government of Bengal is now in a very serious financial strait and I do not see any reason to hope that the situation will be better for several years to come. Why, therefore, should we handicap future Governments by denying them the use of this clause, if they think it necessary? By charging the cost of audit they could effect a great deal of economy. They may have to cut down expenditure: they may find it impossible to continue to bear the cost of municipal audits. The present Government have given an assurance that they will not recover the cost. But with a change in the form of Government this policy may change too. I need hardly deal at great length with the argument of Dr. Amulya Ratan Ghose. He says if Government want to audit the accounts of the municipalities, then Government must pay. That is an argument which, I am perfectly certain, the House should not accept. It implies that an audit is not a matter of great importance, but a mere form on which Government insists for its own ends only. All this is very illogical and I am quite sure the House will not be justified in supporting this amendment.

The motion of Munindra Deb Rai Mahasai was then put and a division was called for.

Mr. NARENDRA KUMAR BASU: May I have your ruling at this stage whether, if this motion is not carried, motion No. 1062 will be in order?

Mr. PRESIDENT: Yes, that may be discussed.

Mr. NARENDRA KUMAR BASU: Then, Sir, with your permission, I would call off the division.

The motion was lost.

3-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that in clause 96 (*d*), in lines 1 and 2, for the words "such sum as the Local Government may direct towards the cost" the words "the prescribed cost" be substituted and in line 2 for the words "towards the" the words "the prescribed" be substituted and in lines 4 to 6, the words beginning with "and towards the salary" and ending with "under this Act" be omitted.

Sir, all that I want is that instead of the amount of audit fees being such sum as the Local Government may direct towards the cost, it should be prescribed by rules, *i.e.*, Government should prescribe by rules the rate of fees to be realised for audit when it thinks that audit fees should be realised and every municipality would be called upon to pay at that rate, instead of Government having to decide in each particular case how much fees, if any, audit fee is to be realised, should be realised. At present no audit fees are realised, but when Government makes up its mind to realise such fees, it can do so by prescribing rules for the purpose on an *ad valorem* basis or some such thing and let the fees be according to the rules prescribed by Government. As the clause now stands, in each case Government will have to pass special orders for the realisation of a specified sum as audit fees.

Mr. S. M. BOSE: Sir, may I draw Dr. Sen Gupta's attention to clause 109 (3) which provides that the Local Government may direct that the whole or any portion of the cost to be realised, etc.? So I do not think that this amendment is at all required here.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The proposal is that the words "the prescribed cost" be substituted for the cost of audit, which is nowhere prescribed in this Act.

Dr. NARESH CHANDRA SEN GUPTA: May I explain, Sir, that "prescribed" means prescribed by rules made by Government under this Act?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, it has not been prescribed as the mover says. I do not think that this amendment will be accepted by the House. The Local Government can, by rules, certainly lay down what should be the cost of audit, but it is nowhere prescribed in this Bill.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Maulvi HASSAN ALI: Sir, I beg to move that in clause 96 (*d*), in line 2, the words "towards the cost of audit" be omitted.

Sir, the sub-clause lays down that the municipalities should pay out of the municipal funds such sum as the Local Government may direct towards the cost of audit. But I may point out that hitherto the practice has been not to realise these audit fees from the municipalities and I do not find any reason why the municipalities should be made to pay anything towards the cost of audit.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I rise to support this amendment. I feel that audit is a system by which Government controls these municipalities to a certain extent. It is a valued right to the Government and ought not to be taken away, but as Government enjoys this right, it should pay for enjoying this right over the municipalities. Most municipalities find that they cannot keep their accounts in order except through the intervention of Government; so I think that the system of audit should be maintained. At the same time, however, the poor municipalities should not be burdened with the cost of audit which so long had been paid by Government. That is the reason why I thought of proposing this motion, leaving out the words "towards the cost of audit" from clause (*d*). I do not find any reason why Government should be particularly anxious to realise this small sum from the different municipalities by maintaining a system by which Government keeps strict control and enjoys the right of control over these municipalities.

Maulvi ABUL KASEM: Sir, I rise to oppose this amendment. The amendment translated into simple language would mean that the cost of audit should be borne by Government and it then means that the cost should be borne by the tax-payers of India and drawing to its natural conclusion it means that the people in the rural areas will have to pay for the audit fees of municipalities. That, Sir, would be unfair. The municipality has been so long the pet child of Government and it wants to continue as such; but we, Sir, strongly protest against this. The citizens of towns and cities are more wealthy and flourishing than the people in the rural and agricultural areas and it will be most unfair to them if they have to pay for the audit fees of municipalities, which should be paid from municipal funds.

Now, the second question is why should Government interfere with the municipalities by having the accounts checked by their auditors. The municipalities can have their own audit system, their accountants can do the business and there is not much difficulty about that. Recently in a municipality, one of the biggest in Bengal, the auditors found that after the municipal accountant had passed the accounts and the commissioners had passed the report, on closer examination it was detected that

the accountant in the course of six months misappropriated something like Rs. 7,000 and it must be said to the credit of the municipal commissioners that they sat over this matter for three months, the accountant was allowed to escape from the town although his prosecution had been ordered. Sir, I refer to it on the ground that it is necessary for Government to have an independent audit system in the interests of the poorer and the less influential citizens of municipalities and it is also necessary that the audit fees should be paid by the ratepayers of municipalities and not by the tax-payers of the rural areas.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment as I did on the last occasion. I am thankful to Maulvi Abul Kasem for advancing one of the most powerful arguments in support of Government and against this amendment, namely, why should the provincial exchequer bear the cost of audit in the interests of the municipality. Rai Bahadur Dr. Haridhan Dutt says that Government enjoys this right. Government does not enjoy this right, but Government discharges its obligation—obligation to municipalities not in the interests of Government itself but in the interests of the ratepayers of municipalities. That, Sir, is the distinction. I will now remind the members of this House that the cost of audit may vary according to the vigilance or according to the negligence of the municipalities in keeping their accounts. If they neglect this duty, the cost of audit will naturally increase; if the accounts are in proper order, the cost of audit may be only very nominal. But, as I say, Government at present are not prepared to charge the cost of audit and they will not deviate from the policy which they have been following since 1907, but Government do not propose to put this in the statute and mortgage the future Government. That is the reason why I oppose this amendment.

Babu JITENDRALAL BANNERJEE: Sir, it seems that both the Hon'ble Minister and Maulvi Abul Kasem forgot one little interesting fact, namely, that since 1897 Government has been actually defraying the cost of audit so far as the municipalities are concerned. The municipalities do not want this audit. But it is forced upon them; and since it is forced upon them, there seems no reason why you should burden the municipalities with the cost thereof. This does not mean that municipal accounts should go without audit. But the municipalities and Government may have different standards of value; the Government we know does things on a lavish scale; and if the municipalities were left to themselves, they might have managed it in a much simpler, cheaper way.

Then again, Sir, the point raised by Maulvi Abul Kasem seems to be quite out of place here; namely, why should rural areas be compelled to pay for the cost of municipal audit? I beg to point out to Mr. Kasem that the municipalities do not enjoy this as a right; it is a

burden imposed upon them by the Government. It is the duty of the Government to audit the accounts of local bodies. Government must pay, therefore, for discharging that obligation and must pay it from the provincial revenues to which urban areas contribute, just as well as rural areas. There is no question, therefore, of any clash or conflict of interest between rural and municipal areas; and the old, familiar argument which Maulvi Abul Kasem trotted out in season and out of season, has no application whatever to the case.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, on a point of information, may I inquire of the Hon'ble Minister whether audit fees are charged from the Calcutta Improvement Trust, the Calcutta Corporation and the Calcutta University?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I cannot give this information offhand, but so far as I know, audit fees are not charged from the Calcutta Corporation, but I must say that it is a matter for which men like Rai Bahadur Dr. Haridhan Dutt are responsible for the passing of the law under which no charge can be made from the Calcutta Corporation.

The motion of Maulvi Hassan Ali was then put and a division taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Harendra Kumar.
Chaudhuri, Babu Kisheri Mahan.
Choudhury, Maulvi Hurai Absar.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Chase, Dr. Amulya Ratan.
Guha, Babu Prefulla Kumar.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprosad.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Munindra Deb.
Ray, Babu Nagendra Narayan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hosenl.
Ray, Babu Satyendra Nath.
Ray, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Austin, Mr. J. M.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.

Bhandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Kamini Kumar.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Susil Kumar.
Gilchrist, Mr. R. N.
Henderson, Mr. A. C. R.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Maulvi Amin-uz-Zaman.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Mag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Reid, the Hon'ble Mr. R. N.
Rees, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sarkar, Babu Sonod Bihari.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. R. R.
Sen, Mr. Giris Chandra.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 38 and the Noes 53, the motion was lost.

Mr. PRESIDENT: The question is that clause 96 stand part of the Bill.

The motion was put and agreed to.

3-45 p.m

Clause 97.

Mr. PRESIDENT: The question is that clause 97 stand part of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: With your permission, Sir, may I move my amendment at this stage?

Mr. PRESIDENT: Yes, you may.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that in clause 97 (*1*), line 5, after the words "provisions of this Act" the words "other than the provisions of this section" be inserted.

This is merely a formal amendment.

The motion was put and agreed to.

Maulvi HASSAN ALI: I beg to move that after clause 97 (*1*) (*iv*) the following be inserted, namely:—

"(*iva*) the provision of suitable accommodation and construction of dwelling houses for *methars*, sweepers and other coolies employed by the municipality."

We all know that these *methars*, sweepers and coolies are very indispensable for a municipality, and it is but proper, therefore, that the construction of suitable accommodation for them should be included within the purposes stated in clause 97 (*1*) (*iv*).

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, Government have every sympathy with the underlying principle of this amendment, but they consider it quite unnecessary in view of clause 97 (*1*) (*vii*) which provides for the construction, maintenance and improvement of offices and other buildings under the control of the commissioners or required for municipal purposes.

That is comprehensive enough and that covers the purport of the amendment.

The motion of Maulvi Hassan Ali was put and lost.

Mr. ANANDA MOHAN PODDAR: I beg to move that after clause 97 (*1*) (*v*) the following be inserted, namely:—

"(*va*) the construction, establishment and maintenance of town halls."

Khan Bahadur Maulvi AZIZUL HAQUE: I am afraid my friend is under a misapprehension. The very purpose of this Municipal Act is first of all to supply the absolute minimum requirements necessary for the sanitary and other improvements of a municipality, and I do not think my friend can point out any *mufassal* municipality which is solvent enough to erect and maintain town halls. I think my friend should reconsider this amendment.

Mr. ANANDA MOHAN PODDAR: I beg leave to withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

Mr. ANANDA MOHAN PODDAR: I beg to move that in clause 91 (*1*) (*ix*), in line 2, before the word "schools" the following be inserted, namely:—

"primary, secondary and technical".

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. The words "primary, secondary and technical" are not necessary.

Mr. ANANDA MOHAN PODDAR: I beg leave to withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 91 (*1*) (*ix*), in line 2, after the word "schools" the words "and colleges" be inserted. My object is that there is a proposal for deprovincialising some of the colleges. In that case it may be necessary for such an enabling clause. I hope my proposal would be accepted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am sorry, Sir, I have to oppose this amendment, because very few municipalities, as has just been pointed out by Khan Bahadur Azizul Haque, are in a solvent condition, and we should not place any additional and unnecessary burden on them.

Dr. AMULYA RATAN GHOSE: I rise to support this amendment, and the ground for supporting the amendment is this. If municipalities will not be able to support or maintain colleges, of course it will be optional to them not to spend money for maintaining these colleges. If this is in the statute, I do not think this will be binding on the municipalities that they must maintain a college which may not be very expensive. That will be for the consideration of the commissioners of the municipality whether to spend the money or not. I do not think if this amendment is accepted, there will be any hindrance in any way for the municipalities to work.

Rai Bahadur Dr. HARIDHAN DUTT: I oppose this amendment, and would like to point to my friend Dr. Ghose that if these words are inserted in the statute, the result will be that some gentlemen who are interested in a college will insist on a particular municipality spending money on that college; college education is outside the province of a municipality and outside the duties imposed upon municipalities. Once you introduce the word "college" here, you presume that the municipality can spend money on colleges. Even the premier municipality in Bengal, or in India, I mean the Calcutta Municipality, cannot even subsidise any college or maintain any college. That being so, it is preposterous to suppose that that duty should be entrusted to small *mufassal* municipalities. So the word "college" should not be inserted in the clause, and higher education included as one of the statutory duties of a municipality.

The motion of Babu Kishori Mohan Chaudhuri was then put and lost.

Mr. W. C. WORDSWORTH: I beg to move that in clause 97 (*1*) (*ix*), in lines 2 and 3, the words "and of hostels to be used in connection with schools" be omitted.

My argument has been very largely anticipated by the previous speakers. My experience suggests that municipalities are not likely to set aside any large part of their income for schools, and it is undesirable that whatever they can spare for schools should be diminished by having to make provision for the residential side of the work——

4 p.m.

It should all be spent on the schools and the teachers. There is the further consideration that as a general rule boys and girls within a municipality attending a municipal school would walk to school every day. But if there are hostels provided, it may be presumed that they will be used mainly for children coming into the municipality from an area outside the municipality. That being the case, the municipal provision for education will be spent in part not only on the education of children from outside the municipal areas but partly on their accommodation. Therefore, I think it is desirable to exclude these words.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government are prepared to accept this.

The motion of Mr. W. C. Wordsworth was put and agreed to.

Maulvi HASSAN ALI: I beg to move that in clause 97 (*1*) (*xi*), in line 2, after the word "dispensaries" the words and brackets "(allopathic, homeopathic, ayurvedic or unani)" be inserted.

My reason for moving this amendment is obvious. With regard to hospitals and dispensaries, objections are made by the Government that municipal commissioners are not empowered to give grants-in-aid to homeopathic, ayurvedic or unani dispensaries. As a matter of fact, homeopathic dispensaries are doing immense service to the public; ayurvedic and unani dispensaries are likewise doing great service. I, therefore, propose the addition of these words after the word "dispensaries".

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The details are quite unnecessary. The word "dispensaries" is sufficient enough and Government do not, as a matter of fact, object to the establishment of ayurvedic or unani dispensaries. I do not think the statement made by the mover is quite correct. Whenever any municipality comes forward with any such proposal, Government never object. In view of that, I hope, the mover will withdraw his amendment.

Mr. NARENDRA KUMAR BASU: If the Hon'ble Minister is under the impression that there is no bar to homeopathic or ayurvedic dispensaries being financed out of municipal funds, I am afraid he is wrong. Moreover, when any proposal is put before Government for any aid to these dispensaries, Government say that they are unnecessary. I think the Hon'ble Minister will see his way to accept this amendment. I do not think he will join issue with me when I say that all the words in this voluminous Bill are not absolutely necessary. If, however, he th nks otherwise, then considering the bulk of the Bill I think no harm will be done to its volume or its bulk if Government accept this small addition.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I rise to oppose this amendment not because I object to the unani and other forms of dispensaries being maintained or subsidised by municipalities, but because if you put in any of these and exclude others, it will have the effect of excluding in future many others, *e.g.*, biochemic or ultra-violet ray or hydropathic dispensaries. Once you begin to name the dispensaries which the municipality will have power to subsidise, I do not know where we shall stand. Generally the word "hospitals" includes everything.

Rai Bahadur KESHAB CHANDRA BANERJI: I rise to support the amendment In the Village Self-Government Act provision has been made for giving grants-in-aid to ayurvedic, unani and homeopathic dispensaries by the union boards and for the establishment of such dispensaries by the union boards out of their own funds. The municipalities are more progressive and having been in operation for the last 50 years, there is no reason why this amendment should not be accepted —an amendment which only legalises payment out of municipal funds for the improvement and expansion of other forms of treatment. The allopathic system of treatment being more costly than the other systems referred to above, it bec omes often difficult for the poor to take advantage of it. Wh le obviating this difficulty and conforming to the well-known saying "The greatest good to the greatest number", the proposal is calculated to give an impetus to the indigenous systems of medi ine which are urgently called for at the present moment.

MUNINDRA DEB RAI MAHASAI: I beg to support it. The words "dispensaries" must include all sorts of dispensaries.

The motion of Maulvi Hassan Ali was then put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 97 (*1*) (*xi*), in lines 2 and 3, after the words "leper asylums" the words "orphanages, rescue houses, refuge, maternity houses, child welfare centres" be inserted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I rise at this stage and say that Government are prepared to accept this, but the word "refuge" should be dropped out?

Khan Bahadur Maulvi AZIZUL HAQUE: Is there any other institution left out?

Mr. PRESIDENT: Dr. Sen Gupta, do you accept this alteration?

Dr. NARESH CHANDRA SEN GUPTA: Yes, Sir, I agree.

The following amended motion was then put and agreed to:—

"That in clause 97 (*1*) (*xi*), in lines 2 and 3, after the words 'leper asylums' the words 'orphanages, rescue houses, maternity houses, child welfare centres' be inserted."

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that to clause 97 (*1*) (*xiv*) the words "among men and animals" be added.

Maulvi SYED MAJID BAKSH: Does the word "animals" include wild animals as well as domestic animals?

The Hon'ble Mr. BIJOY PRASAD SINGH RDY: I rise to oppose this amendment. It is not necessary because the clause covers dangerous diseases amongst men and animals. I do not think the amendment improves in any way the wording of the section, because it cannot be made exhaustive. It is comprehensive enough as it is. I hope the mover will see his way to withdraw his amendment. The wording in section 97 (*1*) (*xiv*) covers dangerous diseases for animals.

Khan Bahadur Maulvi AZIZUL HAQUE: My contention is that section 97 (*1*) shows that animals should be excluded.

The motion of Dr. Naresh Chandra Sen Gupta was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that to clause 97 (*1*) (*xvi*) the following be added, namely:—

"either wholly or by means of grant-in-aid."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is quite unnecessary; so I oppose it formally.

The motion was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that to clause 97 (*1*) (*xxi*) the words "either wholly or by means of grants-in-aid" be added.

Dr. NARESH CHANDRA SEN GUPTA: I do not understand what the Hon'ble Minister means by saying that this is quite unnecessary.

Mr. PRESIDENT: What do you mean? Are you referring to any remarks which the Hon'ble Minister might have made while dealing with an amendment which has already been disposed of? The Hon'ble Minister has not yet said anything with reference to the amendment now before the House. If it is your intention to make a speech on the present amendment, you should not refer to anything that has gone before it.

Dr. NARESH CHANDRA SEN GUPTA: It cannot be said that grants-in-aid are unnecessary. If they were unnecessary, the draftsmen of this Bill would not have retained this clause in other places. The construction of other proposals does not mean the power to make a grant-in-aid to milk depots or dairy farms started by others. I think it is wholly necessary

Mr. H. P. V. TOWNEND: I oppose the amendment. If a dairy farm is not a municipal dairy farm, it will be a private dairy farm. There is no reason why a municipality should give grants to a dairy farm established by private persons. I do not see any reason whatever for the inclusion of these words.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Maulvi TAMIZUDDIN KHAN: I beg to move that in clause 97 (*1*) (*xxiii*), in line 3, before the word "free" the word "public" be inserted.

My intention is quite clear. Private libraries may also be temporarily free, but it is desirable that the libraries must be public before they would be entitled to a municipal grant.

Rai Bahadur Dr. HARIDHAN DUTT: I rise to give my support to this amendment. From my experience I can say that——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It would perhaps save the time of the Council if I say at this stage that I am prepared to accept the amendment.

The motion of Maulvi Tamizuddin Khan was then put and agreed to.

4-15 p.m.

Rai Bahadur SATISH CHANDRA MUKHERJI: I beg to move that in clause 97 (*1*) (*xxiii*), in line 3, the word "free" be omitted.

Sir, my point is this: that the Select Committee has introduced the words "and assistance to" free libraries. At the present moment under the old Act libraries which levy subscriptions also receive some assistance in the shape of grants from the municipalities; but the point to which I am seeking to draw the attention of the Hon'ble Minister is that the introduction of these words "and assistance to" means the withdrawal of the grant to public libraries which levy certain subscriptions——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I am prepared to accept the amendment.

The motion of Rai Bahadur Satish Chandra Mukherji was put and agreed to.

Maulvi SYED MAJID BAKSH: Sir, the principle has already been accepted. I simply want a verbal alteration. Instead of "public libraries and museums" I want to put in "libraries and museums under public management".

Mr. PRESIDENT: You had better move your amendment first.

Maulvi SYED MAJID BAKSH: I move that to clause 97 (*1*) (*xxiii*) the words "under public management" be added.

Mr. PRESIDENT: I am sorry your amendment fails as it is covered by the previous amendment which has already been accepted by the House.

The following motion was moved by Munindra Deb Rai Mahasai and was, by leave of the Council, withdrawn:—

"That to clause 97 (*1*) (*xxiii*) the following be added, namely:—

'either wholly or by means of grants-in-aid'."

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 97 (*1*) (*xxv*) after the word "industrial" the words "sanitary and health and art" be inserted.

Sir, I submitted this amendment at the request of some commissioners of municipalities in my constituency. The holding of sanitary, health and art exhibitions have great educative value, but for want of suitable provision in the Act, the municipalities are not in a position to give them any help whatsoever even if they can afford to do so. Nobody can deny the beneficial character of such exhibitions, and the money spent on them is not spent in vain and should not be considered as wastage of municipal funds. In the circumstances, I hope the Hon'ble Minister will be pleased to accept this simple amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I propose to accept amendment No. 1122 and I object to Rai Mahasai's amendment. I object to his introducing "art" in this clause. I do not think the municipalities can afford to spend money on "art" exhibitions.

The following amended motion was then put and agreed to:—

"That in clause 97 (*1*) (*xxv*) after the word 'industrial' the words 'sanitary and health' be inserted."

Dr. AMULYA RATAN GHOSE: I beg to move that clause 97 (*1*) (*xxvi*) be omitted.

I beg to say that the taking of a census is the concern of Government. The cost of carrying out a census within municipal areas is always borne by Government. Therefore, I have proposed that this provision be omitted from the clause, as this is not a proper charge for the municipalities to bear.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I suggest to the mover that if he agrees to add the words "for the purposes of the municipality" to the clause, I am prepared to accept it, because a municipality may require a census for its own purpose?

Mr. PRESIDENT: But the motion is for the omission of the clause.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: If the mover will withdraw his amendment, then I can move this as a new amendment.

The motion of Dr. Amulya Ratan Ghose was then, by leave of the Council, withdrawn.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that in clause 97 (*1*) (*xxvi*) after the word "census" the words "for the purposes of the municipality" be added.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I wish the Hon'ble Minister had given us a little more light on this matter. At present census work is done by Government and municipalities have to incur certain expenditure and employ some staff for the purpose. It is not for the purposes of the municipality that a census is taken, and if these words are added, the municipalities might refuse to give any help when a general census is taken.

Babu SATYENDRA NATH ROY: Under the Census Act which has been passed by the Government of India there is a provision that Government may levy the cost of a census within a municipality from the municipality, and during the last census this was done and I do not really know if this provision is necessary, because the Act passed by the Government of India already provides for this.

Mr. H. P. V. TOWNEND: Sir, this provision in the Bill does not refer to the general census at all. It is inserted because it may be convenient for a municipality to be able to ascertain the position at the moment. For example, it is sometimes necessary to rearrange the different wards in a municipality. The people of a particular ward may say that they are entitled to more representation on the population basis, while others may contest that claim. The real and only way by which this question could be decided would be to call for a local census for the purpose. That is the real object of this amendment.

Khan Bahadur Maulvi AZIZUL HAQUE: Is any census other than that under the Census Act legal? How can a municipality hold a census of its own?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government can frame rules under this Act.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: Before I move the amendment standing in my name, may I with your permission add the words "for the benefit of the municipal employees" at the end of the amendment?

Mr. PRESIDENT: Yes, you have my permission to do so.

Babu KISHORI MOHAN CHAUDHURI: I beg to move that in clause 97 (*1*) (*xxviii*), in line 3, after the words "natural calamity" the following be added, namely:—

> "and for the purpose of trading in food-stuffs, fuel, cloth and other similar necessaries of life on a co-operative basis for the benefit of the municipal employees."

I submit, Sir, that occasions do arise when people find great difficulty in getting pure food-stuffs and other necessaries of life, and in such cases of emergency the municipalities should be in a position to trade in such commodities. But in order that this may not affect the municipalities adversely, I have proposed the addition of the words "for the benefit of the municipal employees".

4-30 p.m.

Rai Bahadur Dr. HARIDHAN DUTT: I rise to give my support to this amendment. I cannot make out why the words which were in the original clause have been struck out by the Select Committee. In the original clause there were these words: "and with the previous sanction of the Local Government and subject to such conditions and restrictions as the Local Government may impose, for the purpose of trading in food-stuffs, fuel, cloth and other similar necessaries of life, in cases of emergency." I find that these words have been deleted by the Select Committee. Babu Kishori Mohan Chaudhuri wants to re-insert this provision in a modified form and I personally think that this ought to be done. Such an emergency arose after the War in the city of Calcutta. I am not in favour of—indeed I object to—a municipality trading in food-stuffs and other necessaries of life. But that would be under ordinary circumstances. There may, however, be certain occasions when a departure from the accepted policy may be necessary. I may remind my friend, the Hon'ble Minister, that after the War there was so much difficulty in getting coal, kerosene oil, cloth, etc., in Calcutta that, although the Calcutta Municipal Act did not provide for municipal trading, yet the then authorities had to stretch the law to some extent and provide for the sale of food-stuffs in the municipal markets. The municipality of Calcutta after a lot of deliberation opened shops to sell these articles at a reasonable price to the ratepayers of Calcutta. The idea was to check the activities of a certain class of people who wanted to take advantage of the situation and extort money from the citizens. A similar situation may arise in the *mufassal* municipalities later on and we should provide for that contingency. We ought to have an eye to futurity, so that if such cases arise, *mufassal* municipalities may not be deprived of the right of making co-operative arrangements for the sale of articles of necessity. Accordingly, Sir, I hope the Hon'ble Minister will kindly consider whether it is desirable or not to accept the amendment of Babu Kishori Mohan Chaudhuri.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As it will appear from the report of the Select Committee, the Select Committee went into the question very carefully and then dropped it out. They considered that it would be a dangerous principle to allow *mufassal* municipalities to trade in these things. My friend, Rai Bahadur Dr. Haridhan Dutt, has always got the Calcutta Corporation in his head. But I would like to remind him of the difference between the Calcutta Corporation and the *mufassal* municipalities of Bengal. Calcutta has got enormous resources and can bear loss, if there is any loss, but in case of *mufassal* municipalities such trading may bring disaster and might lead to the

complete collapse of the local bodies, and that is the reason, Sir, which prevailed with the members of the Select Committee in dropping the matter. So, I do not think I can accept the amendment.

The motion of Babu Kishori Mohan Chaudhuri was then put and lost.

[At 4-35 p.m. the Council was adjourned and it reassembled at 4-50 p.m.]

Babu SATYENDRA NATH ROY: I beg to move that for clause 97 (*l*) (*xxix*) the following be substituted, namely:—

"(*xxix*) the payment of cost for the disposal of unclaimed corpses and the burial or cremation of paupers either direct or by contribution to charitable institutions engaged in assisting the disposal of such corpses and dead bodies."

The sub-clause, as it stands at present, reads—

"the payment of contributions to charitable institutions within the municipality for assisting in the disposal of unclaimed corpses and the burial or cremation of paupers."

So practically I am introducing the words "either direct or by contribution". I think the Hon'ble Minister will see that there is a *lacuna* and will accept it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept the amendment, subject to certain drafting changes as follows:—

"the disposal of unclaimed corpses and the burial or cremation of paupers, and the payment of contributions to charitable institutions for assisting in such disposal, burial or cremation."

It would be better if I move it as a substantive amendment, Sir.

Mr. PRESIDENT: All right.

Babu SATYENDRA NATH ROY: I am prepared to accept this amendment.

The following motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to:—

"That for clause 97 (*1*) (*xxix*) the following be substituted, namely:—

'(*xxix*) the disposal of unclaimed corpses and the burial or cremation of paupers, and the payment of contributions to charitable institutions for assisting in such disposal, burial or cremation.' "

The motion of Babu Satyendra Nath Roy failed.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that clause 97 (*1*) (*xxxic*) be omitted.

Mr. NARENDRA KUMAR BASU: The Hon'ble Minister has not been pleased to give us any reason why this clause inserted by the Select Committee should be omitted. I should have thought that he would have the courtesy towards the Select Committee to say why this clause inserted by them should be omitted. My submission is that the purposes of the clause are quite proper—the payment of contributions to *bona fide* humanitarian organisations. I do not see why Government after accepting amendment No. 1079 which enumerates so many of these purposes should seek to omit this clause which merely supplements that one. I oppose the amendment.

Mr. H. P. V. TOWNEND: On behalf of the Hon'ble Minister, I beg to reply to Mr. Basu. The reason why originally it was proposed to omit this clause was that its phraseology is very wide and it was likely to be abused. There is now another reason which I am going to state and it is this: that to sub-clause (*ix*) so many additions have been made that I do not think Mr Basu could quote any humanitarian institutions deserving of support which have not already been included under this clause.

Mr. NARENDRA KUMAR BASU: What about the After-care Association?

Mr. H. P. V. TOWNEND: Mr. Basu has met my challenge successfully, but nonetheless I think it may be said that the Bill goes quite far enough in the direction Mr. Basu is advocating.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and a division taken with the following result:—

AYES.

Armstrong, Mr. W. L.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. H.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Farequi, the Hon'ble Nawab K. C. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Henderson, Mr. A. C. R.
Hedge, Mr. J. D. V.
Hosain, Nawab Musharrut, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Kasem, Maulvi Abul.
Khan, Maulvi Amin-uz-Zaman.
Khan, Mr. Razaur Rahman.
Law, Mr. Surendra Nath.
Leeson, Mr. C. W.
Maguire, Mr. L. T.
McCluskie, Mr. E. T.
Mittar, the Hon'ble Sir Prevash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Petre, Mr. B. F.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijay Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sarkar, Babu Beeed Bihari.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girish Chandra.
Solaiman, Maulvi Muhammad.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Ghani.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Prafulla Kumar.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hoque, Kazi Emdadul.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Momin, Khan Bahadur Muhammad Abdul.
Mukherji, Rai Bahadur Satish Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray, Kumar Shib Shekhareswar.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemen.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Ray Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.

The Ayes being 57 and the Noes 50, the motion was carried.

Communal award.

Maulvi ABUL KASEM: Sir, I gave notice and asked for your permission to move an adjournment of this House to consider a question of public importance, namely, that the communal award is unsatisfactory to Mussalmans in Bengal. I have received no orders from you as yet.

Mr. PRESIDENT: I may tell Maulvi Abul Kasem that I have disallowed his motion. I better read out the motion to the House so that members may follow my line of argument. It runs thus—

"That the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, that the Premier's award is unfair to Mussalmans of Bengal."

Now I better read out to the House the relevant sections of our Manual on which I based my decision. Rule 80 (*i*) contains these words—

"Not more than one such motion shall be made at the same sitting."

Having already admitted Mr. N. K. Basu's motion for adjournment on the same subject I must hold that Maulvi Kasem's motion cannot be discussed at this sitting. It may be argued that if his motion cannot be taken up at the same sitting, it may be taken up on some other day; but, I am sorry that rule 80 (*iii*) does not permit that. It contains these words—

"The motion must not revive discussion on a matter which has been discussed in the same session."

You will admit that Mr. Kasem's motion cannot only be discussed at this sitting but also not in this session. It is unthinkable that if his motion is taken up, it will not revive the discussion which we will have on Mr. Basu's motion.

Then, again, rule 80 (*iv*) contains these words—

"The motion must not anticipate a matter which has been previously appointed for consideration."

Mr. Kasem's motion offends against this rule as well, as Mr. Basu's motion has already been appointed for consideration.

So, I was compelled to disallow Mr. Kasem's motion; but, I may tell the Moslem members of this House that they will have an ample opportunity to speak on the other motion from their standpoint of view.

I now call upon Mr. N. K. Basu to move his motion for adjournment.

Babu JITENDRALAL BANNERJEE: Sir, in addition to this cogent reason, may I not draw your attention to the form of the motion, namely, that it does not raise a matter of public importance, but it expresses the opinion that the Prime Minister's award is injurious?

Mr. PRESIDENT: I did not disallow the motion on that ground, to say the least of it.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move a motion for the adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, *viz.*, the communal award as published simultaneously in England and India so far as it affects Bengal.

Sir, in rising to speak on this motion, you will pardon me for saying so, it is difficult to speak about this award in those terms of moderation and restraint which are proper for speeches in this Council. It is trite knowledge to every member of this House that separate representation has been condemned by all and sundry since—why since—even before its inception in this country. In 1919, when the Montagu-Chelmsford Report was published, I need hardly remind the members of this House, in what language they denounced separate electorates. Their grounds will be found collected in the Simon Report. They said that separate electorates are opposed to the teaching of history; they perpetuate class division; they stereotype existing relations and they constitute "a very serious hindrance to the development of self-governing principles." In spite of these opinions, they found themselves forced, that is what they thought, compelled by the force of circumstances, to recommend separate electorates for the time being. The Simon Commission also condemned separate representation in no uncertain terms. Then, Sir, when the matter was discussed in Parliament in 1931, after the first Round Table Conference, at a time when Parliament was not so National in character—when the Cabinet was of a Labour Government—Mr. Ramsay Macdonald, who was even then the Premier, said—I will read a few passages from Hansard's Report of the 26th January, 1931—this is what Mr. Ramsay Macdonald said—I will not tire the patience of the House by reading long extracts—I will read two or three sentences; explaining about communal electorates, Mr. Ramsay Macdonald said: "that means that if every constituency is to be earmarked to a community or interest, there is no room left for the growth of what we consider to be purely political organisations but which would comprehend all communities, all classes, all creeds and conditions of birth." Then, a few sentences later, talking about Hindus and Muhammadans in the Punjab and Bengal, this is what he said: "The Muhammadans are poor and are not qualified to the same extent as the Hindus."

Then Mr. Foot intervened and said: "There are more children." Mr. Ramsay Macdonald said: "Yes, but we do not enfranchise children." But there it is, and the claim there is that the representation in the provincial legislatures should not be the representation as shown by the register, but the representation as shown by the population——

5-15 p.m.

"Then the question of weightage comes in, and so on; and it is very difficult to convince these very dear and delightful people that if you give one community weightage, you cannot create the weightage out of nothing, but have to take it from somebody else. When they discover that, they become very confused indeed, and find that they are up against a brick wall. Here, again, I am profoundly convinced that an agreement can be made which will be satisfactory to all sides."

Sir, this was Mr. Ramsay Macdonald, the head of the Labour Government in January, 1931, and now in August, 1932, the head of the National Government comes out with what he calls the communal award. Sir, it is communal in no uncertain terms, but it is certainly not an award. So far as I know, the meaning of the word "award" is a decision after examination or a judicial sentence. At least, that is the meaning given to the word "award" in the Oxford Dictionary. I do not know, Sir, that this sentence passed upon the Hindus of Bengal is a judicial sentence. It is a sentence of banishment, it is a sentence of expatriation from the legislature; this sentence says that we are not wanted in the legislature of Bengal. I do not think it can be said by anybody that it is a judicial sentence; it is communal no doubt, communal in more senses than one; but it is not an award. Sir, you have already heard that in Parliament Mr. Ramsay Macdonald in January, 1931, said that population is not the only basis for a seat in legislature. Sir, the Auxiliary Committee of the Simon Committee in their report used this language which I am going to place before the House—

"In every country where there is representative government, education should be given such as to produce a popular electorate capable of exercising intelligently the primary function of citizenship: they should be able to choose their representatives with knowledge and intelligence."

The percentage of literacy in the country and the percentage of adults in the country in proportion to the total population being what they are, I submit, Sir, that the principle of allocating seats according to the total population is wholly wrong. Sir, I may say that only yesterday I found a striking confirmation of this point of view from a man well-known in India who is now one of the members of the British House of Commons, a member of the Tory party, Sir John Wardlaw Milne. In the *Empire Review* of August, 1932, just to hand, he states that "to such persons who may be described politically as old-fashioned Liberals, democracy means the rule of the majority merely measured in numbers, and there are many who cannot understand even yet that such a type of government is entirely foreign to the instincts and traditions

of India and impossible in a continent of people of warring ideals, hopelessly divergent and actively opposed in religious views, with a long history of internal internecine strife."

However that may be, Sir, as far as one can judge from the statement of the Premier attached to this award, there are two principles followed. The principle of population and the principle of political importance. I am sorry to say that to any person who has read the award carefully, it will be apparent that both these principles have been taken into account one after the other in order to deprive the Hindus of a fair and legitimate share of seats in the Legislative Council of Bengal. Firstly, you know, Sir, that the Hindus form 43 per cent. of the population of Bengal and "the others" who are included in the general constituency, namely, the Jews, Parsees, Buddhists and others, they form 1·6 per cent. While to the Moslems who form 55 per cent. of the population 48·4 of the seats are given, to this 44·6 per cent. of the rest, only 32 per cent. is allocated. So far as the population basis is concerned, that is only taken into account when the majority population of the province is considered. Unlike other provinces and other parts, it is the majority population that is given some safeguard in Bengal and 48·4 per cent. of the seats is given to the 55 per cent. of the population. You have just heard, Sir, from my friend Mr. Abul Kasem that the Muhammadans are not satisfied with the award. If the population basis were solely taken into account, certainly they ought to have 55 per cent. of the seats for their 55 per cent. population. But I would ask him to remember that if they ask for 55 per cent. seats for themselves on the population basis, they ought not to grudge us, Hindus, 44·6 per cent. of the seats so far as our community is concerned. Thus, Sir, the population proposition is trotted out for the sake of the Muhammadans of the province. For the others, the Europeans, they form ·1 per cent. of the population; there of course the population percentage will not work, and recourse has been had to the other principle, namely, political importance. Every one in Bengal, every one else, the Europeans, the Anglo-Indians, the Indian Christians, even commerce, the University, they all have some political importance, but the Hindus must be relegated to the background, till every other class or sect or creed has been satisfied, and, therefore, on the ground of political importance the Europeans who are ·1 per cent. of the population are given 10 per cent. of the seats. The Anglo-Indians who are ·05 are given 1·6 per cent., the Indian Christians who are ·25 of the population are given ·8 per cent. of the seats. Sir, I would ask the House to remember that this "dear, delightful gentleman," the Prime Minister, while making his award, I am quoting his own words, is anxious to give separate communal representation not only to the people who wanted it, but also to the people who did not want it. For example, the Indian Christians never wanted communal representation; women never wanted communal

representation, but they must have it because unless there are communal electorates created, the Hindus may have some more seats in the general electorate. Sir, in my submission this award has within it sufficient to show that it was deliberately made to crush and humiliate the Hindus. Speaking to an esteemed English friend of mine only the other day, he took me to task and said "you are wrong, there is nothing deliberate in it to injure the Hindus". I say, Sir, if there is no deliberate intention to injure the Hindus, then the decision has been arrived at in a casual, apathetic, almost an absent-minded manner, and it is not fitting for the Premier of England to have come to a decision of this nature. Then, in the course of his note the Premier has said that if the communities come to an agreement about their representation, then he would certainly give effect to the agreed views of the communities. I do not know, Sir, what the Premier meant by an agreement among the communities, if he meant that there would be a plebiscite in the country, and that 100 per cent. of the people must vote in favour of the agreement, and then and then only he would accept it, then of course I think he was asking for something which is absolutely humanly impossible. But, Sir, if the representative character of this Bengal Legislative Council is really accepted, if there is any substance in the language that we have heard from time to time, that our decisions and our words are accepted as those of the representatives of the people, I take it, Sir, that the Premier must have been aware that about three weeks ago in this very Council, we passed a resolution in favour of joint electorates by a large majority. (VOICES: Only as regards municipalities.) With great respect to my interrupters, I will say it was not for municipalities alone; the resolution was for joint electorates so far as the Bengal Legislative Council was concerned——

[Here the member reached the time-limit, but was allowed to proceed for a minute more.]

I wanted to say, Sir, that if it was really the Premier's intention to make a fair an honest attempt to hold the balance even between conflicting claims and if he really wanted to see the greater and the smaller communities working together in peace and amity, he could not possibly have given the award that he has done

Raja BHUPENDRA NARAYAN SINHA Bahadur, of Nashipur: Mr. President, Sir, I beg to support the motion for an adjournment of the House moved by Mr. Narendra Kumar Basu to discuss a matter of urgent public interest, *viz.*, the promulgation of the decision of the British Cabinet in the division of seats of legislatures among various communities and interests in the land. Sir, the allotment is so based on such vicious principles that it has not been able to give satisfaction to any one but the interested parties in whose favour such twist has been given to the right principles of division.

At the very outset, I must say that I shall confine my remarks to the special seat to which I have the privilege to belong. As it is my prime duty to protect the interests of those whom I have to represent, I speak on my behalf as well as of my constituency. Moreover, there are other speakers who have dealt with the subject as to how it affects the community or class and other interests.

Sir, you being one of the representatives of the landholding class know fully well how much inequity and injustice has been done in the allotment of seats for the landholders. Under the Morley Mirtony from where there were 27 elected members, five seats were allotted for landholders. Thus the proportion was less than 20 per cent. In the Montagu-Chelmsford Reforms though the elected members were increased to 114, there was no increase in the corresponding number of seats, but the number remained the same, numbering five. The proportion of the allotment of seats was about 5 per cent. At that time it was expected that the number of seats will be increased after the experimental period is over, that is, in the new reforms, as will appear from the hint given in the Montagu-Chelmsford Report which run thus: "The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families, and their estates are often the result of conquest or grant from some mediæval monarch. By position, influence and education, they are fitted to take a leading part in public affairs. Some of them are beginning to do so; and our aim must be to call many more of them out into the political lists." It will be no very easy task for them. They stand upon a conception of social order which is not reconcilable with the hustings and ballot box. But to our utter surprise we find in the award that though the number of the elected members has been increased to 250, that is, to nearly double, the landholders by some curious fatality have not been able to get out of the rut of number 5 into which they have fallen. This reminds me of the story of a Brahmin who was doomed to get one plantain and a few grains of rice in whatever sphere of life he would be placed. Actually he got the same food, by the irony of fate, even when he was rich. Such is the fate with the landholders. The *Bidhatapurus* of landholders, namely, the British Cabinet, has written on the brow of the landholding class that their fate is doomed to five seats in the future constitution of the country whether the legislature has been increased or not; whether the country be advanced or returned. The immortal 5 will always go with us. Such a fate has been assigned to us by our *Bidhatapurus*. But was there any justice in this? Is it a British justice to our cause? Can you expect such justice from a Britisher? I would not have grudged or said a word in protest if the special seats for communities or special interests had been abolished and the Government of the country would run on a national spirit with a common

register for rich or poor, capitalist or labourer and other conflicting communities in the country. But such is not the case. Instead of making a general register the award has made more registers than at the present moment. It is crowded with Muhammadan registers, European registers, Anglo-Indian registers, Indian-Christian registers, depressed-class registers and women registers. This is most regrettable. It reflects to kill the very germ of nationality. Now, Sir, if you look into it more carefully as to how allotments were made, you will find that the allotment of seats have been increased doubly or triply in all special communities or classes excepting that of landlords and University.

As I have already said, I will not deal with the question of communities at present; I shall confine my remarks to class interests. I will take a concrete case of a special seat, *e.g.*, the seat for commerce and industries. No one can deny that the interests of the landholding class in Bengal are much more than that of the industries and the commerce. The landholders do contribute more than one-third of the total income of this province and are responsible for the collection and punctual payment of revenue *kist* by *kist*, whether they can realise from the tenants or not. In practice, you are aware that they cannot realise rents from the tenants amicably as is evident from the fact that about 55 per cent. of the civil suits in Bengal are rent suits. Moreover, 20 per cent of the money suits are for the moneys lent to tenants to save limitation.

Thus the landholders contribute a large sum of money to provincial exchequer by way of court-fees and stamps. Apart from this, they pay about Rs. 75,00,000 to the district board through the Government whose total income is not more than Rs. 95,00,000. From this you can imagine how much they have contributed to the Government and how much their vested interest is. I think no class or section of the people can boast of such vested interest as the landholders can.

Secondly, the question relating to land and tenure always comes before this provincial Council where the question of trade and commerce, etc., do not come up before us but they come up before the central legislature. The scope of this Council in dealing with industries and commerce is very little at present and will be little in future, and yet in spite of the fact that they do not contribute any sum to the exchequer of the province and in spite of the fact that the question affecting them have not been dealt with in this Council, yet there has been an increase of seats in their favour and they have been allotted about 12 per cent. of the total seats. Even the Franchise Committee observed that: "Finally the existing landlord electorates in the different provinces consist in the main of men of position who exercise an important influence in the countryside, who have the leisure and the means to travel and acquire experience beyond their own locality,

and who are well-qualified to speak with authority on matters affecting agriculture and rural life—question which will inevitably bulk prominently in the business of the provincial legislatures." From this it is clear how injustice and iniquity have been done in the case of the landholding class. The award has not only neglected our class but has disrespected the whole Bengal, even the Government of Bengal whose recommendation has been totally ignored. The recommendation of the Bengal Government runs thus: "To the recommendations of the Commission on the subject of the landholders' constituencies the strongest objection is taken by several members of Government. They urge that the landholders who are returned by general constituencies do not represent the landholders' interests in the Legislative Council but are governed by the views of the people in their constituencies and of the political party which has supported them in their elections. A further argument used is that the influence of the landholders' representatives in stabilising the constitution is valuable, and, as it is considered important to introduce into the Council every possible stabilising element, there is general agreement that the separate landholder constituencies should be retained. There is some difference of opinion on the question whether their number should be increased proportionately to the increase in the number of members of the Council, the majority being in favour of giving the landholders the same proportion as in the present Council." It is a matter of humiliation to us all that our Government have no voice in shaping the future constitution of our country.

I strongly protest against the award in so far as the landholders' constituency are concerned. It shows a total bankruptcy in the wisdom and statesmanship of the British Cabinet.

Mr. PRESIDENT: Under section 84 (2) no speech during the debate shall exceed 15 minutes. But I think members will be very wise to let me cut it down to half. (Hear, hear, and cheers.)

5-30 p.m.

Kumar SHIB SHEKHARESWAR RAY: Sir, whenever we talk of any changes in the system of Government or of reformed constitutions, the one great question which at once comes to our mind is whether the proposed changes will bring peace, prosperity and contentment in the land.

Sir, rightly or wrongly a very large section of the people are tired of the existing conditions. This popular feeling is at the root of all political unrest in the country. Beginning from a pious expression of wish by the more cautious for a greater share in the administration of the land, all forms of political unrest including the civil disobedience movement and the terrorist activities are mere signs of a more or less

natural outcome of the underfed and perhaps suppressed desire of the people for greater freedom.

Sir, it is to the credit of our British masters that they realise the grave dangers of the suppression of this desire and so we hear of their determination for the transfer of control to the people of the soil. Sir, coming to this question of the transfer of control, the real statesmanship certainly lies in determining the mode and extent of this transfer which would satisfy the majority of the people who are at the bottom of the present unrest. All reforms would be useless and unworkable if our British masters fail to carry with them a majority of those who are in a position to deliver the goods.

In the present case, Sir, we are only concerned with the award regarding the constitution of the future Bengal Legislative Council. Sir, a student of political philosophy would not attach any importance to the charge that the Hindus and Moslems have failed to settle among themselves the question of their mutual distrust and suspicion, nor would he believe that the decision on the Hindu-Moslem dispute was forced on the British Cabinet. For, Sir, the very nature of the award will tell any one knowing the A B C of politics that the Hindus and Moslems were not allowed to come to a settlement among themselves and that there was a motive in fanning the flame of Hindu-Moslem difference.

Sir, it has been said that so far as our British masters are concerned, the award is final. They would, however, be pleased to consider any other formula which may be agreed upon by the disputing parties. I should, therefore, address my appeal to my Moslem and European colleagues in the Council. In all sincerity I ask them, Hindus, Moslems and Europeans, whether they believe that a Council constituted in accordance with the award would be popular with that section of the people who have forced the hands of the Government to grant further political powers to us. If the answer be in the negative, do they believe that without the co-operation of this section it would be possible to govern the country in a way conducive to peace and orderly government? If the answer here, too, be in the negative, it is only proper for them, the Moslems and Europeans, for they are the upper dogs now, to move in the matter and win over the class which merely holds the key to a proper solution of the present tangle.

5-45 p.m.

Sir, an artificial representative body will not stand the strain of realities for a single day and mere numbers can never run the administration. An unreal constitution even backed by legalised brute force would never suppress the Hindus. It is of no use trying to govern a country depending on lead and steel alone and in the meantime asking your Ministers and Magistrates to carry their lives in their pockets——

Mr. PRESIDENT: I do not think the speaker is justified in drifting away from the point at issue before the House.

Kumar SHIB SHEKHARESWAR RAY: I am very sorry; but these things are all inter-dependent on each other. I shall be very careful in future. Only I say that if this reformed constitution is forced upon the people of Bengal, you will have to have recourse to force. If one goes to the extreme, it may be possible to exterminate the Hindus from Bengal, but so long the Hindus are there, good government would be impossible without their goodwill and actual co-operation.

[Here the member reached the time-limit and resumed his seat.]

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, in this House before this we have heard speeches which have been angry—which have been wild, which have been furious—but I think the speeches which have been delivered to-day by Mr. N. K. Basu and by the last speaker particularly has beaten the record in this respect. When I first came here to-day and discussed this question in the lobby, I did not expect that the deliberations and discussions would be carried on in the style which they have taken. I very strongly deprecate—particularly on an occasion like this—that members should lose their balance and bring in such an amount of heat which may ultimately ruin the cause.

Sir, from the adjournment motion notice of which was given by Mr. Abul Kasem, the House has already had an indication of the attitude of the Moslem members with regard to this motion. We Mussalmans also are dissatisfied at the award, but we are unable to join issues with Mr. N. K. Basu as the reasons for our dissatisfaction are different from those of his.

The Mussalmans of Bengal are divided on the question of electorate. A section of them favour joint electorate; and given universal adult franchise and no special constituencies, a larger section would not object to such an electorate. I do not propose to go into the merits or demerits of separate or joint electorates and whatever my personnal opinion may be on this question, there is no doubt that the majority of Mussalmans of Bengal want representation through separate electorate under present conditions, and the retention of separate electorate at least for the present is appreciated by them.

What the entire Mussalman community of Bengal is sorely grieved at is the allotment of seats by this award according to which the Mussalmans have been relegated to the position of statutory minority in the legislature. We form the majority community being 55 per cent. of the population and expected at least 51 per cent. of the seats if not 55 per cent. It is, therefore, a matter of real disappointment to us to be given only 47 per cent. representation in the House. In this respect the other communities are at an advantage and even the Hindus are better off. (Hear, hear.) The Mussalmans have to concede 7 per cent.

out of their share to the Europeans and others and the Hindus a little over 3½ per cent. In the matter of allocation of seats, therefore, the Mussalmans are the greatest sufferers, and of all other communities have the greatest cause of complaint.

I do not deny that the Hindus of Bengal have real cause to be dissatisfied with the award. Whatever the reasons may be, they are at present in the enjoyment of the largest measure of representation in the Council. In spite of being a minority community, they are in an absolute majority among the elected members and wield the greatest amount of power in the administration of the country; (Question) what contributed to this state of affairs and how far this was just or equitable I do not propose to discuss, but the fact remains. In the future administration of the country they will not have the same extent of monopoly as they have had in the past or what they exercise now. Naturally they have cause to be indignant. So long there was a third party and so long as the power and responsibility did not entirely lie with the legislature, this overwhelming majority of one community over others could not do much damage. But in a democratic form of government which we are going to have in the near future when the executive will be responsible to the legislature, it is essential that the various communities and interests should have just and equitable representation in the Council; otherwise the wheels of administration cannot run smoothly. I do not think that any one can hold for a moment and with any show of reason that the Mussalmans have been given over-representation in the Council or a larger representation than they can legitimately claim.

The only community which have been given a larger share of the representation than their numerical strength would warrant are the Europeans and Anglo-Indians, but whatever others may say, I do not grudge them this. The Europeans have larger mercantile and other interests in the country and are the party in actual power now. From their present position of real rulers they will be reduced to a state of impotency in the future Government, if the Hindus and Muslims combine and choose to make them so. The Europeans, therefore, have more cause to be dissatisfied, much more, than the Hindus on the score of loss of power. I do not think we should grudge the weightage that has been given to these minority communities in the Council. After all, if the Hindus and Muslims combine and work together in harmony, the Europeans can hardly do them any harm. On the other hand, if they disagree and quarrel among themselves, the presence of a fair number of Europeans and Anglo-Indians in the Council will have a steadying effect on the activities of the legislature. Nobody will deny that our Hindu brethren have made large sacrifices in their fight for political freedom. They may also perhaps justly claim that the success in getting self-government is largely due to their efforts. But I have

no doubt that those Hindus who are real nationalists will be loath to claim an undue advantage on account of such efforts and self-sacrifice. The Hindus did not fight for a "Hindu Raj" any more than the Muslims who fought hand in hand with them did so for a "Muslim Raj". They all fought for a common object, *i.e.*, the freedom of their common motherland. The many young men who have given their lives for the cause did so not for self-aggrandisement, nor for securing any advantage to any particular community, Hindu or Mussalman, but for the furtherance of the common object, *viz.*, the freedom of India.

It, therefore, behoves ill and against all idea of nationalism for any community to claim a reward for the services rendered by the members of that community for the common cause.

I have already said the Mussalmans are not satisfied by the Premier's award, but I do not think we shall be justified in condemning it. The best award of an arbiter is one which satisfies both parties; and the next best is that which satisfies none. It was beyond human possibility to frame an award which could satisfy all. The Premier and the Parliament have been able to do the next best thing by satisfying none. It signifies that they had been sincerely impartial and have done their best. After all, if there was anything better to be done, we, the Hindus and Mussalmans, are to be blamed for not doing it. The Round Table Conference twice tried their best but failed to come to an agreement. Mahatma Gandhi in spite of his ceaseless and selfless attempt admitted defeat. The other leaders in India tried and failed; and finally having failed to arrive at a satisfactory solution of the communal differences, our leaders appealed to the Prime Minister and His Majesty's Government to arbitrate; and now that they have given their award, it seems hardly seemly to condemn it and raise a hue and cry against it. This award of His Majesty's Government may not be satisfactory. It has not satisfied anybody, but I would ask Mr. N. K. Basu or any other member of the House, Hindu, Muslim or Christian, to suggest any other award or any solution of the communal problem which will satisfy all communities.

And after all is said and done, and if we consider the matter coolly and in the proper spirit, we will find there is no need to go into hysterics over the matter. The future formation of the Council will be such that neither the Mussalmans nor the Hindus without the help of others will be able to dominate over the administration of the country. Such a contingency will hardly ever arise. It is very probable that in the future the parties will be on class and not communal lines and neither the Hindus nor the Moslems as such will be able to rule over the others. Even in the present Council some Moslem members always vote with Hindus. But even granting that the communities do continue on communal lines, is it likely that they will be so unnational as to

commit acts which are likely to harm the other communities or which may be against the interest of the country as a whole? The Hindus are now in the majority in the Council and have been so from the inception of the representative Government. We cannot say that they have abused their power in the past to the detriment of interest of other communities and the country as a whole. In spite of our communal differences, there have been very few occasions even in the present Council when Hindus and Muslims have not voted in the same lobby. If, therefore, the Mussalmans get a few more seats than the Hindus, why should the latter think that the future Government will be run on communal lines and prejudicially to the country's interest?

Before I conclude, I would appeal to the House to consider the question calmly and dispassionately and not to raise communal bitterness and irritation by carrying on an angry agitation in the country. Ever since the Partition of Bengal we in Bengal have had nothing but angry protests and indignant agitation in the press and on the platform. The air is reeking with discontent and disaffection which, in one direction at least, has led to acts which all of us deeply deplore. Let us not create more disaffection and discontent by our action here or outside which may affect the minds of the impulsive and uninitiated youths and lead them to direct action. We are about to enter the threshold of a new Government which aims to be the Government of the people and for the people. Let us all try to begin this Government in an atmosphere of goodwill and free from discontent, ill-feeling and racial animosity. The Prime Minister's award has not closed the door to mutual agreement. After all, the proposed arrangements are only for ten years and if at any time we can agree among ourselves and produce a better solution of the problem, the award can be amended. And failing to find such a solution, if by mutual goodwill we can establish mutual trust and confidence among ourselves, all the points of difference among the various communities will automatically disappear.

6 p.m.

Maulvi ABDUS SAMAD: Sir, I cannot let go this opportunity of expressing my views on the communal award as a nationalist Muslim. I must say at once that the award is most unsatisfactory from the national point of view inasmuch as it seeks to perpetuate separate electorate and divides and subdivides the different communities on the basis of religions and castes and makes the European and Anglo-Indian communities the arbiters of India's destiny by placing the balance of power in their hands. The nationalist Muslims were no party to the arbitration and as such the award is not binding on them. The nationalist Muslims all over India who are the real representatives of the dumb millions of Moslem agriculturists, Muslim labourers and Muslim artisans have condemned it in no uncertain terms. They, the

nationalist Muslims, are not prepared to accept communal electorate in any form or shape, not even with statutory majority. How, then, can they accept a decision which places the Mussalmans in the position of a permanent statutory minority in Bengal where they are in a majority? From the nature of this award, all can very well anticipate the nature of the reforms that are coming. It is as clear as day light that the proposed new constitution would give us the shadow and not the substance of *swaraj*. It would take away with one hand what it would pretend to give with the other. Honesty, in my humble opinion, should have been the best policy in politics also. It is urged that the door of amicable settlement is still kept open and that the Government is prepared to accept any agreed solution of the communal problem that may be arrived at between the different communities. But is the Government really sincere in its profession? Are not the conditions laid down for the solution of the problem impossible of fulfilment? Can anybody believe that the communities which have been unduly benefited by the award would ever agree to enter into an amicable settlement and thereby forego the advantages they have obtained under the award? No, never. I think these conditions have been deliberately imposed so that the terms of the award may never be altered. Next, it is urged that Government did not wish to give the decision but that the Indian delegates having failed to arrive at an agreed solution of their own free will referred the question to the arbitration of the Prime Minister and so it is not fair, either to question the validity of the award or the good faith of the Government. Regarding good faith, the less said about it, the better. We know, Sir, the part which the Government has played and is still playing in the matter of the introduction, retention and the perpetuation of the communal electorates in the constitution of India. I say, Sir, that it is the Government which is responsible for the introduction of this system and it is the Government which is responsible for its perpetuation. It has taken every possible step to see that it is not replaced by a system of joint electorate. In support of my contention I shall briefly refer to the events which took place in the first Round Table Conference and which are still fresh in our memory. If I have read the proceedings of that conference aright, the Hindu delegates were prepared by way of compromise to concede 51 per cent. with joint electorates to the Mussalmans of Bengal and the Punjab and the Moslem delegates were on the point of accepting that offer. But at the very psychological moment the Government of India Despatch came to the rescue of the Muslim delegates and stiffened their backs, with the result that they refused to proceed with the negotiation on the basis of joint electorate. We know the contents of the Despatch. It conceded to the Mussalmans, of course on the basis of separate electorates, a much larger number of seats than they were entitled to get on the basis of the Lucknow Pact. But for this Despatch the communal problem would have been satisfactorily solved in the first

Round Table Conference. We also know, Sir, what happened in the second Round Table Conference. With a view to counteract the influence of Mahatma Gandhi and thereby make the solution of the communal problem impossible, the personnel of the Muslim delegation was substantially increased by the addition of a large number of delegates holding pronounced views in favour of separate electorate. We know how Mahatma Gandhi's request to include Dr. Ansari in the personnel of the Muslim delegation was not accepted by the Government. The Government did not like that the team spirit of the Muslim delegations should be disturbed by the inclusion of a nationalist Muslim as a delegate. This is not all. This time Dr. Ambedkar was set up as a representative of the so-called depressed class Hindus and his presence in the Round Table Conference made the solution of the communal question still more complicated. Before this nobody had ever heard that the depressed class Hindus wanted reservation of seats with separate electorates. Up to now the communities were divided on the basis of religion, but since the arrival of Dr. Ambedkar on the arena, an attempt was made and successfully made, as the communal award shows, to further divide the communities on the basis of caste. No wonder that erelong the Muslim backward classes who form about 95 per cent. of the total Muslim population, and the Shias and other castes and sects would come forward with similar claims for special treatment. What the consequences of such divisions and subdivisions would be can be better imagined than described. I do not like to pursue this aspect of the subject any further. I think I have given sufficient indications to show that the allegation that the different communities could not arrive at an agreed solution of the communal problem is utterly untenable. The Government took every possible precaution to see that the communities do not agree, and with that end in view did not call the real representatives of the people to the Round Table Conference. The scheme formulated by the All-India Congress Committee, represented by the accredited leaders of all the communities, was an ideal solution of the communal problem. If there was any defect in it, that could have been rectified by negotiation. Certainly, it was not the last word on the subject. But it was not to the liking of the Government, because it did away with separate electorate and so no notice of it was taken. It seems to me, Sir, that the Premier's award is only a reproduction of the Despatch of the Government of India and he too has surrendered to the will of the Bureaucracy as did before him Mr. Montagu and Sir John Simon.

I sincerely sympathise with my Hindu friends in their hour of trouble. They have been severely punished for their patriotism. The only safeguard for a minority community in a democratic form of Government is the system of election on the basis of joint electorate. The Hindus of Bengal have been reduced to a permanent statutory

minority with that safeguard and the right to appeal to the common electorate removed. This, a position which a politically advanced community like the Hindus, can hardly tolerate. As to what course they should adopt under the circumstances it is beyond my province to suggest, but I can certainly appeal to the sense of justice and patriotism of my Muslim friends and ask them to rise to the height of the occasion. They should try to do unto others what they wish the others should do unto them. The other day we accepted joint electorate with reservation of seats in preference to separate electorate for the Bengal municipalities. Why? Because we know that except at Dacca we are everywhere in a minority and that the best safeguard for the protection of the Muslim minorities in municipal areas is the system of election by joint electorate. The Hindu members willingly helped us in securing that protection; then why should we grudge to secure the same protection for the Hindu minority in the Legislative Council? Many of us apprehend that under a system of joint electorate the Hindus by virtue of their wealth and influence would be able to capture a larger number of seats in proportion to their numerical strength. Assuming for the sake of argument that this will happen, where is the ground for apprehension? If Muslim litigants can entrust their law suits concerning valuable properties in the hands of Hindu lawyers even in cases in which their adversaries are Hindus and similarly if Muslim patients can safely entrust their life in the hands of Hindu physicians, why cannot the Muhammadan constituencies trust their Hindu representatives for the protection of their rights and interests? They can safely trust, because votes are no less valuable considerations than fees which compel the Hindu lawyers and Hindu physicians to remain faithful to their Muhammadan clients. Joint electorate is like a nose-string. We can pull it and bring a Hindu member to the right path whenever he would show any inclination to go astray. It is a pity that the Hindu community is ready and willing to place that nose-string in our hands, but we are unwilling to hold it.

In conclusion, I would appeal to the good sense of both the Hindu and Muslim members and ask them to come to an amicable settlement based on justice and equity. It is not yet too late to mend. The reforms would not be worth the paper on which it would be written if the Hindus and Muslims do not work it in a spirit of co-operation and mutual trust. But it is as certain as night follows the day that if the communal award stands as it is, there can be neither co-operation nor mutual trust. If the advocates of separate electorates think that they scored a great victory over the Hindu community and feel jubilant for that supposed victory, they are sadly mistaken. Separate electorate is conceded not in the interest of the Muslim community but in the interests of British Imperialism, and British interests would be best served by following the policy of divide and rule.

Mr. B. C. CHATTERJEE: I beg to remind the members of this House, my Hindu, Muhammadan and European friends, specially my countrymen, that to-day the time for a real test has come to all of us. What is the point in condemning the Prime Minister or the Government? The question is: Can you, for once, can you Bengalees, Hindu and Muhammadan, come to an agreement? If you can come to an agreement, then the Prime Minister's award need not trouble you. The whole question before us, Hindus and Muhammadans, to-day is: Can we justify the provision at the end of the Prime Minister's award, namely, that the award may be substituted by an agreed scheme between Hindus and Muhammadans? That is the only point that arises for consideration to-day, and I would beg one and all of you not to lose sight of this point, and go into mutual recriminations and expressions of mutual distrust.

In Bengal, Sir, we have the making of a complete nation. Bengal belongs to us, Hindus, and to us, Muhammadans, equally. Muhammadans predominate over Hindus in East Bengal and Hindus predominate over Muhammadans in West Bengal, but Bengal belongs not to the Hindu community, nor to the Muhammadan community, but inalienably to the Bengalees as a whole. That is my first point; Bengal is our common motherland. The second point is that, supposing I met a Muhammadan woman in any part of Bengal, how would I address her? I would certainly address her as "mother". Suppose again that a Muhammadan met a Hindu woman in any part of Bengal. How would he address her? Surely, he also would address her as "mother", so that in the woman of Bengal we have a bond of common motherhood, irrespective of whether she belongs to the Hindu or to the Muhammadan community. I would ask my friends kindly to remember this. I have no doubt that my Hindu and Moslem friends will bear me out when I say that we look upon our womenfolk, be they Hindu or be they Muhammadan, from this point of view alone that they all belong to Bengal's common motherhood.

The third point in favour of nationalism in this country is that we have a common language. In spite of the fact that my young friend, Mr. Suhrawardy, tries to talk Urdu with all kinds of guttural acrobatics, I say that the language of Bengalee Hindus and Muhammadans is Bengali. Just think of the renascence of the Bengalee Moslems; the visible signs of which are all about us. Has that renascence not found expression in the wonderful Bengali poetry of Kazi Nazrul Islam?—not in Urdu but in Bengali, pray remember. (A MEMBER: What about the past?) I am discussing things of recent times; I am not discussing the superstitions of the past days which are now as dead as the Dodo. I would beg my Muhammadan friends to remember that we are concerned now with the recent problems, and

the recent phenomena of their renascent life in Bengal. This self-same spirit of the renascence has also expressed itself in the beautiful prose of young Humayan Kabir who has just returned with laurels from Oxford. And any student of Bengali literature will tell you that, centuries back, both Hindu and Moslem writers and singers had collaborated in building up its greatness.

The fourth point is that we belong to the same stock. I know Mr. Suhrawardy will again take exception, but he will allow me to inform him that his possible good looks are due to the fact that the founder of the Suhrawardys of Bengal must have been a Brahmin converted to the Islamic faith. So the Hindus and Muhammadans have a common language, a common stock, a common country, and the same reverence for the womanhood of Bengal, Hindu or Muhammadan. Would it not, therefore, be an indelible disgrace if, in spite of all these common factors, we Bengalees failed to come to an agreement? It is no use saying and troubling about. How can the whole country agree? Let us, members of this Council, set an example, and if we do that, we shall light a fire that will never be extinguished in Bengal. Let us do it now and here. Why are we tarrying about it? Instead of wasting our time in irritating recriminations, let us, members of this House, before we depart to-day, come to a determination to agree.

6-15 p.m.

In the next place, Sir, what would be the principle on which to found this agreement? Well, Sir, I was coming to Calcutta from Dacca, in company with the Hon'ble Mr. Khwaja Nazimuddin a few years ago, and he gave me a little similie which I thought very striking. He said that in the case of two brothers fighting for the partition of their properties, they would go on fighting with much vigour and venom until the Judge gave his partition decree, and provided he ordered it in such a way as to place both the brothers in an absolute equality of advantages and disadvantages, you would find the self-same contending brothers soon relapsing and settling down into their old-time fraternal familiarity. I say this is exactly what would be bound to happen between the Hindus and Moslems of Bengal once you could formulate, and get them to adopt, a scheme whereby both would be placed in an absolute equality of advantages and disadvantages so that nothing would be left between them to fight over. Will my Muhammadan and Hindu friends agree to this? That is the whole question—I must say, Sir, that before the giving of this award, I had gone and begged my Hindu and Moslem brethren to agree to a division of interests between themselves on this basis—that is to say, let us have an equal number of seats on the Council so that the representatives of neither community could outvote those of the other, and further let us also divide the services equally, subject to candidates of either community satisfying a minimum

test of efficiency to be formulated by a provincial Public Services Commission. To the credit of my Muhammadan friends, I must acknowledge that they were agreeable to my suggestion, but I am sorry to have to say at the same time that I could not get my Hindu brethren to agree to it. However, I am not going to rake up the embers of a past controversy, as it is no use merely embittering feelings——

[Here the member reached his time-limit and resumed his seat.]

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I am afraid, some of us have so approached the question from a point of view which has made the problem more communal. It is an unfortunate fact that oftentimes we are carried away by metaphysical considerations and considerations of pure theories and principles—rather than accept the facts and realities of the situation. I have a high respect for my friend, Mr. N. K. Basu, but I was surprised when he said that separate electorate is an evil in this country. I would certainly ask my friend to remember if it is worthwhile to argue it to-day that separate electorate is an evil, remembering very well that in spite of the fact that the Hindu community and the Hindu press have been crying against the present system of electorate, the Muslims still remain unconvinced as they were before. I may tell you, Sir, that, as a matter of fact, no amount of tirade, no amount of abuse and no amount of outburst is likely to be of any avail, unless and until the good sense and spirit of toleration and judgment of the sister community are brought to bear on this issue and until the Hindu press takes a little more reasonable viewpoint. Sir, let us have a truce and work for the future welfare of the country. Is Mr. Basu prepared to say that even though the electorate may differ, we, Hindus and Muhammadans, will fail to tackle the economic and agrarian problems towards the amelioration of the country? Let us forget for the time being the history of the past ten years and let nothing be preached from the press or the platform as to whether separate electorate is good or bad. Let us think of the country and not of the electorate. Sir, the fact is there that the Muhammadans to a large extent, with the honourable exception of my friend, Maulvi Abdus Samad, are all pledged to a policy of separate electorate and it will not do if my friend tries to convince the House by arguments divorced from the realities of life. I am at least glad that my friend, Mr. N. K. Basu, thinks that after all in democracy it is not number but political importance which is of some account. For the first time, we have got an admission from him that political importance counts and yet we remember that in the year 1908 when the Mussalmans, at that time an insignificant minority, in the polity of the country, asked for a little space in a spacious House and claimed it on a ground among others of their having some importance in a country like India, they were drowned in demonstration. For the first time my friend has

quoted liberally from some books to define the nature of democracy. I think my friend will have to re-read or read the history of politics before he can be convinced that in spite of the abuses that have been made against democracy, there is nothing else than the rule of majority that matters in democracy. At the same time, I must record that so far as we, the Muhammadans, are concerned, we have always been prepared to accept any reasonable solution of the problem and can anybody deny that? I would ask, through you, Sir, my friend Mr. B. C. Chatterjee whether the Muhammadans have been obstructive at any time to a peaceful and agreed solution of the problem. I am quite willing to say even further and state that the obstruction did not come from us, but that the obstruction came from a certain section of the die-hards of the other community. After all, what we find is that whenever any Mussalman holds that separate electorate is a necessity, his fourteen generations are brought out in the newspapers and he is torn to pieces and the moment a Moslem leader thinks in a way different from the ordinary Hindu views, he is abused. Sir, I am saying that these are facts which are to be taken note of and the only solution of the problem will be possible by not decrying the system of separate electorate but by accepting the realities and finding out the best solution of the problem. I am always conscious, as my friend Mr. Fazl-ul Huq had said the other day, that in future we must transcend above communal considerations. At the same time, am I to understand that the Hindus will forget that they are Hindus and the Muhammadans that they are Muhammadans, as, after all, in the East religion is the cherished tradition of everybody and yet I do not believe that there is anything in Hinduism or anything in Islam which makes the solution of our political or economic problems an impossibility. I think the East has yet to evolve and can evolve that the finality in politics has not yet arrived in the West, the Western politics has not given the final verdict upon the solution of this problem and it is still possible, and the Mussalmans honestly believe that it is very much probable, that in spite of the fact that I am a Mussalman and in spite of the fact that you are Hindus, we shall come together on a common platform to think of the best interests of the country and solve the economic and agrarian problems——

[Here the member reached his time-limit and resumed his seat.]

Mr. W. H. THOMPSON: Mr. President, Sir, the turn which the last two speakers have given to the debate has, I think, been for the good; they have turned from the details of the award to the wider problem and Mr. B. C. Chatterjee has suggested that, in this House, an agreement should be reached this afternoon. We have, Sir, 35 minutes more of the time allotted to this matter and I will not take much of that time in disturbing any possibility of reaching an agreement. I feel, Sir, that we are right, to turn from the details and consider the

more general problem of the necessity or otherwise for making this award, indeed for the fact, as it appears to me, that an award of this sort was absolutely necessary. No future constitution of India can be made to work unless there is some settlement of the problem of communal representation. If there is no settlement, all progress is held up. There was great enthusiasm for the Round Table method and when delegates of all shades of thought in India had been successfully brought together at St. James' Palace, great things were expected; and I, Sir, should be the first to admit that a great deal was done. But there was an atmosphere of unreality over some parts of the proceedings and it was in such an atmosphere of unreality that the opinion was expressed that the differences between the great communities in India might be settled in a few days at the Round Table Conference; the differences, Sir, which have been the outstanding feature of the history of this country for the last 800 years have been the cause of most of its troubles and are the reason why the British are here all. But, Sir, compromise is not always so easy. Indeed, compromise is a comparatively new thing in the history of civilisation and compromise between two communities such as these is such a new thing that it is almost without precedent. Sir, from the earliest times individuals no doubt settled some of their differences by agreement and absolute monarchs came to compromises on a larger scale. But the City-States of Greece which introduced democracy to the world failed notoriously to agree among themselves. The Romans had no idea of the Round Table method; their method was always reference to an independent authority. That was the system by which they ruled their great empire. They left nothing for the people of provinces to manage for themselves and that is partly the reason why their empire broke up so quickly. Then came the break of the middle ages and when absolute monarchy again disappeared, the Latin people and the people of the continent of Europe generally fell back on the Roman method. Even the League of Nations with its tribunals and its mandates rather follows the Roman method than the English method of compromise. Sir, it is only the English-speaking people who have developed a method of their own for settling their differences.

The development of the committee spirit is the contribution which the English-speaking people have made towards the progress of civilisation, and it is the biggest contribution that has been made since the days of the Greeks. But, Sir, though we have in our own country succeeded in developing our institutions on that line and though these have been imitated all over the world, the imitations have always been a very bad copy of the original. No other race appears to have succeeded on exactly our lines, and it is not in the least surprising that the Round Table Conference should not have succeeded in settling the question of communal representation by agreement. Indeed, Sir, it is impossible

that there could be any other settlement except by the award of an outside authority, and the outside authority that has made this award, the Prime Minister and His Majesty's Government, is the highest authority that could have been chosen. The award having been made by such an authority, there is no higher authority to which appeal can be made, and as there can be no constitutional progress in India without a communal settlement, the award *must* be accepted.

[Here the member, having reached the time-limit, resumed his seat.]

Babu JITENDRALAL BANNERJEE: I think Mr. Chatterjee was a little unfair to the Hindus in his recital of the negotiations between the two communities. If his offer of fifty-fifty or equal representation was not accepted, if it failed, it was partly because he never made it clear—perhaps he was not quite clear in his own mind—whether he meant fifty-fifty of the whole House or fifty-fifty as between Hindus and Muhammadans alone. It is no good shirking difficulties; and this was the difficulty upon which Mr. Chatterjee's negotiations failed. Again, the offer of fifty-fifty on the part of the Muhammadans was accompanied by the condition of separate electorate; and that was a condition which the politically minded Hindus would never accept, because, if accepted, it would strike at the root of nationalism, it would mean the death and negation of nationalism. Mr. Chatterjee says that even now, at this moment, the Hindus and Muhammadans ought to make an effort towards agreement. I quite agree, but now, more than ever, has it not been made impossible for us to succeed, has not one more difficulty been added to one thousand-fold difficulties by the award of Mr. Ramsay MacDonald himself? And notwithstanding my great respect and deep veneration for the personal character and political principles of the present Prime Minister of England, I wish to say that this award has given the lie to his whole political career. It was unworthy of the Prime Minister to have given it; and it will be unworthy of India to accept it, whatever the consequences may be. Throughout this discussion our ears have been harassed with the constant iteration of one unmeaning formula—"you cannot blame the Prime Minister, he did not seek the position of an arbitrator himself, it was thrust upon him by your own action." With great respect to the gentlemen who advance this argument, I must confess that I fail to appreciate its force and significance. The position of an arbitrator is always an invidious one; it is never sought by any one; it is thrust upon people, either by the parties themselves who agree in this one thing and in nothing else, or it is thrust upon them by the decision of a court. But whatever the position of an arbitrator may be, does it absolve him from the necessity of judging justly and fairly, from the necessity of giving an award which must be in accordance with the

principles of justice, equity and fairplay? And so, here also, granting that we failed to agree among ourselves, and must face the consequences, does that absolve the Prime Minister from the necessity of having made his award in consonance with the principles of justice, equity and fairplay?

Mr. A. K. FAZL-UL HUQ: What are they?

Babu JITENDRALAL BANNERJEE: They are the standards of .....(interruptions).

We shall have to ask the Prime Minister, "is his award just and fair, has he succeeded in holding the balance evenly between the warring communities and sects of India?" These are the questions by which the award has to be judged, and also in the light of first principles. So far as these first principles are concerned, the award offends and offends grievously against the cardinal principle of all representative institutions, namely, that in such representative institutions a member is not the representative of a class, community, sect or creed; every member represents the State as a whole. When a member is returned to Parliament from Bristol, Croydon or Newcastle, does he represent Bristol, Croydon or Newcastle only? or is he not a member of the Parliament of Great Britain, a member for the whole country, speaking for the British Empire at large? and, in his humble capacity does he not carry behind him the weight of the character and prestige of the nation and country? When a Roman Catholic is returned to Parliament, does he speak for Roman Catholics alone? when a Protestant is returned to Parliament, does he speak for Protestants alone? or do they not speak for the State as one integral factor? But so far as India is concerned, the thing is almost impossible, we can make no such claim under the terms of the Premier's award, a man can speak as a Hindu, he can speak as a Muhammadan, he can speak as a depressed class representative, a European, an Indian Christian or an Anglo-Indian, but he can never speak as an Indian for India at large, or as a Bengali for Bengal at large. This was impossible under the state of things which already existed. It has been made still more impossible by the terms of the award. It is not simply that the award offends the cardinal principles of representative institution,—mark how many contradictory principles are introduced here and none of them carried to their logical conclusion! The constituencies are based partly upon religious considerations, partly upon racial considerations and partly upon economic considerations; so far as the Hindus and Muhammadans are concerned, it is population that counts. But when it comes to Europeans and Anglo-Indians, is it population that counts or is it race? Or is it that intangible and

inpalpable something which passes under the name of political importance. You do not know what this political importance is. Take the case of the Anglo-Indians. You have given them four members. This is not a personal question and I hope Mr. Maguire or Mr. McCluskie will not be offended. You have given them four seats in the award. But what is the population strength of the community? Not more than 25,000 not even one per cent. it is only ·05 per cent., yet they get four seats in the House, or in other words they get a representation 40 times more than their numerical strength. You will say that there is political importance here. But may I ask, with bated breath, what is the great political importance of the great Anglo-Indian community? What are their past services to the country? What is their present contribution to the revenue and exchequer of the State?

[Here the member, having reached his time-limit, resumed his seat.]

Babu JATINDRA NATH BASU: Sir, trained as I was under political conditions when political status on the basis of differences in creed did not exist and drawing my inspiration from leaders, Hindus, Muhammadans and others, who laid the foundations of self-rule in India and who never thought of bringing out and emphasising religious differences in the field of politics, it is difficult for me to understand the tendencies that have led to the accentuation of such differences.

We of different races and creeds have to live and work in this land of ours. The welfare and progress of the different communities and of the country as a whole depend on the harmonious working of the political system by all of us.

The first essential for such harmonious working is the establishment of mutual trust. Sir, after the dark days of the Sepoy War, British statesmen saw the need of the establishment of such trust. The India Councils Act was passed establishing legislatures at the centre and in the provinces. Peace and confidence were established and business, both internal and external, developed, and there was progress and prosperity in the land. That went on for over 40 years when cleavages in the body of the State on the basis of differences in creed occurred. It was then only that distrust came. There has since been trouble not only in the field of politics but also in the field of trade and business. With mutual trust the creed of the representatives will be of no importance. Sir, if the condition of affairs first brought into being by the Minto-Morley Scheme had achieved the object it had in view, then it would not have been necessary to engraft into the next constitution any separatist elements. If you desire to smooth differences, you must emphasize points of contact and agreement and keep back differences. We, Hindus and Muhammadans, Europeans and Indians, have to work together every

day of our lives. In most vital matters, matters relating to our everyday life, we get on together with mutual trust. Why cannot we establish that kind of trust in politics also?

What gives rise to the grievance that is felt is not that there should be a majority of Muhammadans, Europeans or Anglo-Indians in the legislature. The grievance is that the legislature will consist of representatives not of the people in general but of this community and that. That will not lead to prominence being given to the general interests of the people.

The political system that is going to be built up is not only for the present. It will give a lead to the future. The question that has to be decided is whether you should build on the present superficial differences only, or on a basis which, though not pleasant to some of us, will be what we in our heart of hearts consider to be right, and what our children and our children's children will approve.

Maulvi ABUL KASEM: I am grateful to you, Sir, for giving me this opportunity to express my opinion in this matter in this House. Sir, in my 40 years of public life I have never pretended to be a spokesman of my co-religionists, much less a leader. But to-day, Sir, I claim that the opinion which I am expressing is shared by the bulk of my co-religionists in this province as well as outside it. Sir, as I stated in my notice of motion for adjournment, the Moslems of Bengal and of the rest of India are dissatisfied with the treatment meted out to us in this province. Sir, the Right Honourable Mr. Ramsay Macdonald laid it down that in all provinces a majority would not be reduced to a minority, or even to an equality. We have heard of many political slogans, but this is also one of them. In the case of Madras, Bombay, the United Provinces and the rest of India, this principle has been accepted and worked upon. But, in the case of Bengal, it was decided that a majority of the population is not only to be reduced to an equality, but to a minority of the House itself. This is, as I call it, unfair and unjust. Then, Sir, I have heard with very great care and attention the speech of my friends Mr. N. K. Basu and Kumar Shib Shekhareswar Ray. Mr. Basu and some of his friends on that side of the House have a grievance against separate electorates. About separate electorates, it has been remarked by the *Statesman*, that it is an evil, but a necessary evil. My friend Mr. Jitendralal Bannerjee made capital of the fact that in English Parliament, a man going as a Roman Catholic or a Protestant, a non-conformist or a Jew, went as Englishmen, brothers, for the British Empire, and that is quite right. But I would remind him, and those who share his opinion, that the situation and conditions in this country are quite different from those prevailing in Europe or, for the matter of that, in the British Isles. Here the difference between the Hindus and Muhammadans, I repeat again, is not a difference of faith and belief, but it is a difference between two people living side by side with a distinct culture,

a distinct tradition and distinct habits and modes of life. Great capital has been made out of this. It has been said that it strikes at the root of the growth of nationalism. If that is so, why do you not come to an agreement by which the separate electorate can be abolished? You say that the Hindus are willing to do it, but will the Muhammadans agree? The question is why do not the Muhammadans agree. To be frank to this House, as I ought to be, it is because by their acts, by their conduct in the past they have shown that we cannot trust the Hindus and place our interests in their hands. (Cries of "Question, question.") We object to joint electorates, because we know that by manipulations and overwhelming force of numbers or other ways, they will be able to send to this legislature as members, creatures of their own. We want the Muhammadan community to be represented in this House by Muhammadans who will look to the interest of Muhammadans, who will enjoy the confidence and respect and the goodwill of the Muhammadan community. We have been told by my friend Maulvi Abdus Samad that the Moslem cultivators do not want separate electorates. I would ask him, does he think that if a plebiscite is taken on that issue—I will give him a challenge—let him come to a constituency and fight it on that basis and see whether he is right or wrong,—that that will really be the result?

6-45 p.m.

That is the best thing to do. In this matter I will not go into details, but Mr. Narendra Kumar Basu has incidentally said in the course of his speech (nobody minds it although he has hurt me all the same), that population ought not to be the only basis. In the United Provinces, in Bihar and Orissa and in benighted Madras population is the sole basis, but he ignores this where the Mussalmans unfortunately happen to be in a majority; there literacy, education, political service and sacrifice are to be counted. About illiteracy I have only to say that we, the Mussalmans, have tried to introduce literacy among the masses and it is only my friends in this House who, though unsuccessfully, tried to oppose the passing of the Primary Education Act.

[Here the member, having reached his time-limit, resumed his seat.]

Mr. A. K. FAZL-UL HUQ: I extremely regret that I have to strike a note somewhat different from those of my colleagues in discussing the Prime Minister's award on the communal question. I do not think that the abuses that have been flung either on the award or on the Prime Minister are either just or fair or even necessary. If the Prime Minister's award has been unsatisfactory and disappointing, it is because the political conditions in India are not merely unsatisfactory and disappointing but even positively disgraceful. Every one knows that it is easier to square a circle than to try successfully to compose the communal troubles

in India. If the Prime Minister's award is disappointing and unsatisfactory, reject it by all means, the more so, if you have got anything better. The Prime Minister will be prepared to accept our judgment that this award has been unsatisfactory. He does not want to hear our reasons for the judgment. It is, therefore, unnecessary and irrelevant to go into the details in order to prove to the world that this award is unsatisfactory and disappointing. I am reminded of the story of a dishonest salesman. He was taken to task by his customers for selling rotten goods at exorbitant prices and his customers told him that they could get better goods at a lesser price elsewhere. He replied: "My dear friends, if you can do that, why do you come to me? Better go elsewhere." So I say, if the Prime Minister's award is unsatisfactory, why look at it at all?

My friend Mr. Samad referred to the Nehru Report as the combined wisdom of the accredited leaders of all the communities, but it was thrown into the waste paper basket by those very nationalists by whom that report had been prepared. It was utterly unacceptable to the Mussalmans, it was unacceptable to the Hindu Mahasabha and to the Congress, but it is acclaimed as the quintessence of wisdom, because it was the combined wisdom of the communities! Every one knows that whenever any attempt has been made to frame a constitution for India, the communal volcano has burst, revealing to the world the surging combustible material of communal and racial prejudices which lie beneath the calm surface of Indian politics. It is no use saying we can come to an agreement; we have tried and we have failed. Mr. Samad made a statement as to what happened at the time of the first Round Table Conference, but I do not think he is fully aware that at that time we tried to come to an agreement and some Hindu members agreed to give us 51 per cent. of the seats, but the majority of them would not agree and that is how the negotiations failed. I know from personal experience and from my personal talk with officials and non-officials that there was not a single Britisher who wanted to interfere in the communal controversies in India. It was the last thing they tried to do, and it is most unfair now to blame the Prime Minister for having taken upon himself the responsibility of giving the award. It was no business of his or of the British Cabinet to come forward and give the award; but instead of giving him credit for what he has done, abuses are being hurled on his head for having failed to achieve the impossible.

I shall say just one or two words in reply to the cry of nationalism of which we have heard so much. My friend Mr. Samad talks of Muhammadan nationalism, but I hold the expression "Muhammadan nationalism" as much meaningless as Protestant Roman Catholicism and nationalist Muhammadans really hold non-Moslem views in the guise of Moslems. That is my simple conviction and I say it freely and openly.

As regards nationalism, I want to remind my friends to my right of one incident which happened in the Legislative Assembly when a resolution recommending that the North-West Frontier Province be given reforms was moved. If Government objected to the proposal on military grounds, we could have understood that, but all the Hindu leaders of nationalism including Pandit Matilal Nehru and others opposed the resolution because there was the prospect of a Muhammadan domination in the North-West Frontier Province where the Muhammadans constitute 95 per cent. of the population and where by no conceivable method the Hindu nationalists could remove the absolute Muhammadan domination.

[Here the member reached his time-limit and resumed his seat.]

The Hon'ble Mr. R. N. REID: I may just explain the attitude of this Government with regard to this motion for adjournment. Government do not intend to participate in any way in a discussion on the merits of the award. Every one in this House knows the history of this award, how attempts were made at the first Round Table Conference, in the interval between the first and the second conference and again at the second Round Table Conference, to settle this question, but without success, how the Consultative Committee came up against this barrier of an unsettled communal question, and how they could make no progress in the framing of the constitution until that barrier was removed, how they appealed to the Prime Minister to solve the problem before them and how he accepted that appeal. Having accepted that responsibility, a responsibility which was thrust upon them and which they never asked for, and to the difficulties attending which they were always keenly alive, His Majesty's Government were bound to a decision and the communal award is the result. It is not for the Local Government to question that award and it would indeed be presumption on my part to comment upon it either by way of criticism or by way of approbation. There is one point, however, on which I desire to lay stress and that is this: there is one vital point, as has been pointed out by many speakers who have spoken to-day, in the award, namely, that it leaves open the door to an agreed settlement amongst the communities. Let me read the passage in the award which contains the British Government's reference to this point: "they are most desirous to close no door to an agreed settlement should such happily be forthcoming. If, therefore, before a new Government of India Act has passed into law, they are satisfied that the communities who are concerned are mutually agreed upon a practicable alternative scheme, either in respect of any one or more of the Governors' provinces or in respect of the whole of British India, they will be prepared to recommend to Parliament that that alternative should be substituted for the provisions now outlined." That is, I venture to think, a vital point, a point which should receive the serious attention of every man who is anxious

to see the new constitution inaugurated in a spirit of peace and goodwill. It is a point which surely transcends even those very difficult and important problems of the representation of minorities and majorities, or percentages or weightages, points which are being canvassed to-day with so much sincerity and insistence. If, therefore, from to-day's debate there emerged a determination on the part of the communities concerned (and it appears from many speeches which have been made that it may emerge) to achieve the happy result, which is referred to in the passage I have just quoted, then no one would be better pleased and no one will more welcome that determination with deeper sincerity than the Government of Bengal.

Babu AMULYADHAN RAY: I thank Mr. Narendra Kumar Basu for the compliment he has given me, but it is with deep humiliation and utter shame to the good name of the country that I am to submit before the hon'ble members of this House that the repeated failure of the communities concerned to come to an amicable settlement of a domestic quarrel of our own, the reasonable suspicion and apprehension that have grown up in the minds of the people by the actions of some of our countrymen, badly needed the arbitration of the Prime Minister and the British Cabinet. Without sincerely thanking His Majesty's Government and fully appreciating the spirit in which they have undertaken to solve the communal problem honestly and faithfully, without having regard to the truth that the future administration of the country would have fallen upon the party of a clique, into the hands of an oligarchy and a group of people in the absence of the communal decision by the Prime Minister and His Majesty's Cabinet when an agreed solution of the communal question became impossible and impracticable, a certain section of our countrymen belonging to the so-called progressive school of politics—progressive or backward or retarding the progress of the country—that is a matter where we differ—is laying the whole blame at the door of the Prime Minister for deciding a question which they themselves could not and impeaching the award as grossly unfair, and condemning the nominated character of the representatives of the Moslem community and depressed classes as men of pronounced communal views. This reminds me of the Bengali proverb "giving up the patient strike the bed" "রুগী ছেড়ে মাদুর কেড়ানো" We might not agree with the award in matters of detail; we might be dissatisfied (and really we are) that the number of seats allocated to the depressed classes in the Bengal legislature has not been given in proportion to their population, but we must thank Mr. Macdonald, the British Cabinet and His Majesty's Government for keeping an unbiased mind in giving the communal decision from the undue influence of the Congress and of those who wanted to resist our legitimate claims at the cost of their lives and who fondly claimed to represent the depressed classes although

the people concerned with regard to whom the claims were made invariably and emphatically denied the representative character of those gentlemen. Anglo-Indians, Europeans, Moslems and depressed classes practically 90 per cent. of the people of Bengal—all claimed for separate electorate and they have got it.

[Here the member, having reached his time-limit, resumed his seat.]

Reverend B. A. NAG: Sir, I would like to say on behalf of the Indian Christian community that we are grateful to the Prime Minister for giving us the chance of choosing our own representatives to this Council. Even Sir John Simon with all his inclination to congregational ideas failed to suggest election for the Indian Christian community in Bengal, but suggested nomination. We are, therefore, grateful to the Prime Minister that he has given us this chance. But, Sir, separate electorate was not wanted by any of the Indian Christians in Bengal or anywhere else in India except in Madras: That has been thrust upon us against our will. While our representatives are to be elected through separate communal electorate, more than half the number of the Indian Christians are to vote in the general electorate. I, therefore, think, Sir, that the defect which is there, may be remedied immediately if the representatives of the Indian Christian community also, therefore, come through the general electorate with reservation of seats. One more word and I have done. I believe all the members of this Council will agree that in the matter of education of women our community heads the list. In fact, if the Director of Public Instruction were here, he would have told you that the Education Department for women is run mostly by the Indian Christian ladies and yet, Sir, there is no representation of Indian Christian women while all other Indian communities have been given seats for their women. Our happy brethren, the Muhammadans, have been given two. May I, for the sake of equity, appeal that they might give us one seat? Sir, this is something important because I believe there are few Muhammadan ladies who would come to the Council. That is a thing that ought to be gone into and if we have at least one seat for our women, we shall be satisfied.

Mr. K. C. RAY CHOWDHURY: All representatives of labour throughout the country have strongly supported joint electorate and condemned separate electorate. My colleagues Mr. Joshi and Mr. Siva Rao, members of the Round Table Conference, have made repeated demands in favour of joint electorate and even advocated adult franchise and no special electorate. The Premier's award has, therefore, come to us as a great surprise. Constituencies framed on communal, religious or racial grounds are bound to wreck any political constitution in any part of the world. I would certainly favour economic basis as the strongest foundation of real democracy. We are, therefore, grateful to the Premier—a champion of the labouring classes—that he has not poured

poison in the cup of labour and granted us joint electorate. We hope to prove by our work through these joint electorates that economic interest advances real nationalism and that religious and racial representation must retard nationalism and democracy. Regarding representation of labour, every committee and commission, the Lothian Committee, the Whitley Commission, has pressed our claim very strongly, but the labour Premier has not translated all that we claimed into action. In Bengal we find nineteen seats have been given to commerce, five to landlords and only eight seats to labour. In Assam, proverbially the most capitalist-ridden, where labour is almost helpless, commerce has been given eleven seats, while labour is only given four. The total seats given to commerce, *viz.*, industries and trading community, for all provincial legislatures are 55, landholders 40, while labour gets only 41. I hope, Sir, the Premier will rectify this anomaly and face facts.

According to the Lothian report, there are five million workers employed in organised industries besides thirty millions of agricultural employees. Forty-one seats mean 250,000 per labour constituency. This is wrong as compared with 55 employees' seat to represent perhaps 55,000 employers in all.

Mr. PRESIDENT: Order, order, the time-limit is reached. The motion is talked out. I am very sorry I had to disappoint many members who wanted to speak; but, within the time at my disposal, I could not do anything better. I tried my level best to pick up spokesmen from almost all the different groups in this House, representing different communities and interests.

Adjournment.

The Council was then adjourned till 3 p.m., on Thursday, the 25th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 25th August, 1932, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 108 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Technical school at Bankura.

***131. Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware

(*i*) that the artisan classes form a considerable portion of the people of the district of Bankura; and

(*ii*) that the want of a technical school in the town of Bankura is keenly felt by the people?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, the Government have taken or are taking for starting a technical school at Bankura?

(*c*) Are the Government considering the desirability of converting the Bankura Zilla School into a technical school?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab K. G. M. Faroqui, Khan Bahadur): (*a*) (*i*) Yes.

(*ii*) Government are not aware of this. There is an aided junior technical school at Vishnupur, which is not far from Bankura, where there is still room for more students.

(*b*) It is the present policy not to start Government technical schools in the districts but to stimulate technical education primarily by a system of grants-in-aid.

(*c*) No.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state what facilities, if any, are given to poorer students for education in the Vishnupur Technical School?

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: I am not in a position to answer that. This is a Government-aided private school and the member may refer to the Governing Body of the school.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) (*ii*) how many seats are vacant in that institution at Vishnupur?

The Hon'ble Nawab K. C. M. FAROQUI, Khan Bahadur: I want notice.

Bhulua Estate, Noakhali.

*132. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the *talukdars* and *zamindars* of the Noakhali district are in great distress for not being able to pay their revenue and rent owing to non-realisation of their dues from the tenants;

(*ii*) that there is a large number of *patni taluks* within the Bhulua Estate, Noakhali, which is now managed by the Court of Wards, and

(*iii*) that a representation on behalf of the Landholders' Association, Noakhali, was submitted before the Hon'ble Member, Board of Revenue, during his last visit to the said town praying for some relief to the *talukdars* and *zamindars*?

(*b*) Will the Hon'ble Member be pleased to lay on the table a copy of the said representation?

(*c*) Will the Hon'ble Member be pleased to state what relief, if any, has been or is proposed to be granted to the proprietors and *talukdars* under the Bhulua Estate and tenure-holders under *khas mahal*?

(*d*) Is the Hon'ble Member aware that the *talukdars* under the Bhulua Estate are not excused from payment of interest even if they make voluntary payments of their rents every six months in the year?

(*e*) Is the Hon'ble Member aware that a large number of rent suits filed in the Munsif's courts of Noakhali in the month of April last has been allowed to be dismissed for not being able to pay sufficient court-fees?

(*f*) Will the Hon'ble Member be pleased to lay on the table a statement showing the amount of interest realised from the *patnidars* of the Bhulua Estate during the year 1338 B.S.?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) Collections have not been good and some of the *zamindars* and *talukdars* have been unable to pay their revenue and rent.

(*ii*) and (*iii*) Yes.

(*b*) A copy is placed on the table.

(*c*) (*1*) The *zamindars* have been given as much time as possible to pay revenue and cess, and exemption fees have been made nominal. In a few cases there have been exemptions on part payment.

(*2*) All the *patnidars* have been excused the payment of interest provided they pay rent in three instalments at least 15 days before the revenue *kists* of June, September and January.

(*3*) All *khas mahal* tenants were excused interest for 1338 B.S. and half interest for 1337 B.S. provided they paid rents before January, 1932.

(*d*) Certain *talukdars* have always been excused and the concession has been extended to all the *patnidars* this year as stated in the reply to (*c*).

(*e*) No.

(*f*) The interest realised was about Rs. 6,500.

Copy of the representation referred to in clause (b) to starred question No. 132.

To the Hon'ble Mr. F. A. SACHSE, C.I.E., I.C.S., Member, Board of Revenue, Bengal.

SIR,

We, the undersigned on behalf of the Noakhali Landholders' Association, beg leave to approach your Honour with the following submissions:—

1. That the *talukdars* under the Bhulua Estate which is being managed by the Court of Wards are all *patnidars* and their rents are realised by petition under Regulation VIII of 1819.

2. That the concession by way of exemption from the payment of interest on arrears of current demand that you were graciously pleased to make with respect to those *talukdars* who would pay their rents 15 days before each of the four *kists* for payment of land revenue, is quite inadequate in as much as very few *talukdars* can practically avail of this concession as it is impossible for them to collect rents from their tenants in four *kists*.

3. That the only consideration shown to the defaulting proprietors and the *khas mahal* tenure-holders by way of taking smaller amount as penalty, is not enough to save them during the present crisis.

4. That it is a well-known fact that many of the landholders are, for want of necessary funds, unable to sue their tenants in arrears for 3 or 4 years: that owing to insufficient rains the prospect of crops of this year is also very gloomy.

Under the circumstances we beg to make the following submissions for your honour's favourable consideration:—

(*i*) That interest for the current year's demand be remitted to all the *patnidars* who make voluntary payments of their dues.

(*ii*) That at least six months' time from each *kist* date be allowed to all proprietors and tenure-holders for payment of cesses without charging any interest.

(*iii*) That the payment of arrears of cesses be not insisted on from the defaulting proprietors or tenure-holders who want to save their property from sale by payment of arrears of revenue only.

(*iv*) That with respect to the realisation of arrears from the *khas mahal* tenure-holders, recourse be had to the provisions of the Public Demands Recovery Act instead of those of the Revenue Sale Laws.

(*v*) That in all cases before taking any step under the Public Demands Recovery Act for realisation of cesses, etc., warning notice by post card be given to the defaulters.

(*vi*) That in case of heavy arrears of cesses recourse be had for realisation of those arrears to section 99 of the Cess Act with respect to part or whole of the defaulting estate or tenure as the owner thereof may apply.

(*vii*) That the charge of the estate of those proprietors who apply, be taken over by the Court of Wards.

(*viii*) That your Honour be pleased to move the Government for taking steps to amend the Cess Act with a view to relieve the proprietors from the inequitable obligation and responsibility of realisation and payment of cesses due by the tenants specially when the agency of the union boards established throughout the province be availed of for the purpose.

(*ix*) That your Honour be pleased to use your influence with the Government not to give effect to the Education Cess Act in this district till better times come.

We have the honour to be,

SIR,

Your most obedient servants,

(Sd.) Natendra Kishore Roy and others,

Zamindar, Dalalbazar.

NOAKHALI,
The 30th June, 1932.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware with reference to answer (*c*) (*2*) that no *patnidar* has been able to avail of these concessions owing to the fact that it is impossible for them to pay rents in the months of June, September and January?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of this. But the *zamindars* also require reasonable protection by the Court of Wards.

Babu HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that usually in the month of June there is no collection by *patnidars*?

The Hon'ble Sir PROVASH CHUNDER MITTER: Possibly.

Agricultural distress in Noakhali.

***132. Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that *aus* crops of the Noakhali district have failed for want of sufficient rains;

(*ii*) that people are starving in the different parts of the district; and

(*iii*) that the Collector being approached by the people has promised to move the Government for necessary help?

(*b*) If the answer to (*a*) (*iii*) is in the affirmative, will the Hon'ble Member be pleased to state what sort of help, if any, the Government propose to render to the distressed people?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) There has been failure of the *aus* crop in some parts of the district.

(*ii*) No.

(*iii*) The Collector has applied to Government through the Commissioner.

(*b*) A sum of Rs. 30,000 has been allotted for agricultural loans as a first instalment. Money will be provided also for test relief works and gratuitous relief if necessary.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state how is it that people are not starving and yet test relief works have been started?

The Hon'ble Sir PROVASH CHUNDER MITTER: Because the general condition is bad. I have not stated that test relief works have been started, but that they will be started if necessary.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state how he will relieve the difficulties of the people if test relief works are not started?

The Hon'ble Sir PROVASH CHUNDER MITTER: We must work under the Famine Code as it stands now.

Babu HEM CHANDRA ROY CHOUDHURI: With reference to answer (*a*) (*ii*) will the Hon'ble Member be pleased to state what is the basis of his information?

The Hon'ble Sir PROVASH CHUNDER MITTER: The Collector, the Commissioner and the local officers.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether he received any report from the Collector to that effect?

The Hon'ble Sir PROVASH CHUNDER MITTER: The last report was from the Commissioner.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state what steps have been taken to revise the Famine Code as promised by him about three years back?

The Hon'ble Sir PROVASH CHUNDER MITTER: I did not promise. All that I promised was that I would consider the question of revision after making due inquiries. It was not possible under present conditions to undertake the revision.

Babu HEM CHANDRA ROY CHOUDHURI: May I inquire how many reports the Hon'ble Member has got from the Collector?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be prepared to take a few members of the House into confidence in order to take suitable steps for revising the Famine Code?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the revision is taken in hand no doubt the members of the House will be taken into confidence. The hon'ble member must, however, remember that the matter is an all-India concern and under the new constitution it will be open to the members to take up this question.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether we cannot change the Famine Code without reference to the Government of India?

The Hon'ble Sir PROVASH CHUNDER MITTER: That is my impression; but I should like to have notice of the question.

Realisation of motor vehicles tax in the Comilla Sadar subdivision.

***134. Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the total number of motor vehicles, e.g.—

(1) private cars,

(2) taxi 5-seaters, and

(3) buses,

together with the total amount of tax imposed on them in the Comilla Sadar subdivision;

(*ii*) the total amount of tax realised up to the 1st July, 1932; and

(*iii*) the amount of tax left unrealised up to the 1st July, 1932?

(*b*) With reference to the words "kept" and "keep" in section (*d*) sub-sections (*i*) and (*ii*), respectively, of the Bengal Motor Vehicles Tax Act, 1932, published in the *Calcutta Gazette* of the 24th March, 1932, will the Hon'ble Minister be pleased to state whether the words

"kept" or "keep" have been interpreted by Government or their officers as including broken, damaged or under repair or unserviceable motor vehicles?

(c) Are the Government contemplating the exemption of owners of such motor vehicles from paying taxes under the Bengal Motor Vehicles Tax Act, 1932?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (a) (i) A statement is laid on the table.

(ii) Rs. 1,350-6.

(iii) Rs. 23-4 if the question refers to the taxes that remained to be paid out of those assessed for the first quarter of the financial year.

(b) and (c) Difficulty has been experienced in interpreting the words and it is proposed to amend them in the Motor Vehicles Tax Amendment Bill already introduced in this Council.

Statement referred to in the answer to clause (a) (i) of starred question No. 134.

	Assessed by July 1st.	Still under assessment on July 1st.	Total.
Private cars	19	17	36
Taxis . .	14	27	41*
Buses	26	41	67
Total ..	59	85	144

*Out of which 8 are 5 seaters. The tax payable by the 59 cars already assessed for one year would be Rs. 4,300 if they continued to be kept or used.

Late Anil Das, an undertrial prisoner.

***135. Mr. NARENDRA KUMAR BASU:** (a) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the fact that Anil Babu "looked queer" on the 11th June was reported to the jail authorities by the District Intelligence Branch Inspector or Additional Superintendent?

(b) Is there any record in any document that he was "looking queer" or "looking crazy" before he appeared before the Subdivisional Officer on the 13th June and complained of maltreatment?

(c) Was there any medical observation as directed by the Subdivisional Officer made between the 13th and the 15th June?

(d) Did the Medical Officer of the jail report on the 15th June that Anil Babu was showing signs of insanity?

(*e*) Did the Superintendent of the jail report on the 16th June that "this man is probably feigning insanity"?

(*f*) Did the Medical Officer ask for immediate action to enable him to ascertain the mental condition?

(*g*) Was this report placed before the Subdivisional Officer before the 17th June? If not, who was responsible for the delay?

(*h*) Did Anil Babu's mother make a representation to the District Magistrate on the 15th June asking for proper treatment for him either in the jail or outside?

(*i*) Did the District Magistrate send a reply on the 20th June stating "the matter is receiving attention"?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) and (*b*) No. But there is a statement in the senior Sub-Assistant Surgeon's report book, dated the 12th June, 1932, to the effect that undertrial prisoner Anil Das had been showing signs of insanity. No complaint of maltreatment was made and therefore there was no record of alleged maltreatment.

(*c*) and (*d*) Yes. The Medical Officer remarked in the observation register for lunatics on the mental condition of Anil Das and reported on 15th June, 1932, to the Subdivisional Officer that he was showing signs of insanity and asked for descriptive roll to ascertain his previous mental condition.

(*e*) Yes. The Superintendent who is not a medical man formed the opinion that the prisoner was probably feigning insanity.

(*f*) The Medical Officer asked for the previous history sheet of undertrial Anil Das on the 15th June, 1932.

(*g*) Yes.

(*h*) Yes, such an application was sent to the District Magistrate on the 15th June. The District Magistrate was away on tour from early on the 16th June until the 18th June.

(*i*) Yes. This was an ordinary acknowledgment and had no special reference to the contents of the petition.

Mr. NARENDRA KUMAR BASU: With reference to answers (*a*) and (*b*) will the Hon'ble Member be pleased to state how is it that in the official communique it has been accepted by Government that Anil Babu looked queer on the 11th June when no report to this effect was submitted by the District Intelligence Branch Inspector or Additional Superintendent to the jail authorities?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already answered that.

Mr. NARENDRA KUMAR BASU: The answer is "no." But there is a statement in the senior Sub-Assistant's report book, dated the 12th June, 1932, to the effect that undertrial prisoner Anil Das had been showing signs of insanity. What I want to know is—how, if the fact that Anil Babu looked queer on the 11th June was not reported by the District Intelligence Branch Inspector or Additional Superintendent, that finds place in the official communique issued on the subject?

The Hon'ble Sir PROVASH CHUNDER MITTER: From the answer it will appear that the Medical Officer reported to the Subdivisional Officer and perhaps the information might have been given by the Subdivisional Officer. But I must ask for notice if further information is wanted.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. On a previous occasion, five or six days ago when the first question regarding the Government communique was put, these questions were not there. Now how can I again give notice of the same question in the same session?

Mr. PRESIDENT: You have already asked a supplementary question. The only point which you can make out is that no answer has been given to your supplementary question. But as regards that the Hon'ble Member has not declined to answer but has asked for notice of the question

Mr. NARENDRA KUMAR BASU: My submission is that on that supplementary question the Hon'ble Member wants notice; but that question has already been put to the Government and the answer was that Government was satisfied about the statements made in the communique. Therefore, Sir, how can I give notice of another question on the same subject in the same session?

Mr. PRESIDENT: I do not quite follow you. Can you, Sir Provash?

The Hon'ble Sir PROVASH CHUNDER MITTER: Neither can I.

Mr. PRESIDENT: What is your difficulty?

Mr. NARENDRA KUMAR BASU: My supplementary question was that in view of the answer "no" in (*a*) how was it that in spite of the fact that the District Intelligence Branch Inspector or Additional Superintendent had not reported that Anil Babu looked queer on the 11th June, that thing found a place in the communique about which Government said that they were satisfied as to its correctness?

Mr. PRESIDENT: The Hon'ble Member I take it wants to make further inquiry and further satisfy himself as to the accuracy and validity of that statement—he, perhaps, wants to investigate more closely to satisfy you; but, are you satisfied, Mr. Basu?

Mr. NARENDRA KUMAR BASU: I am not satisfied, but if that is the ruling I am bound to remain content.

Mr. PRESIDENT: You place the Chair in a difficult position. If the Hon'ble Member wants notice of a question according to the rules he is entitled to it.

Mr. NARENDRA KUMAR BASU: With regard to (*d*) and (*f*) on the 15th June did the Medical Officer ask for the previous history-sheet of undertrial prisoner Anil Basu or did he do it when asking for immediate action to enable him to ascertain his mental condition?

The Hon'ble Sir PROVASH CHUNDER MITTER: He did ascertain as already answered; but having done he also wanted further information.

Mr. NARENDRA KUMAR BASU: Did or did not the Medical Officer say that he wanted immediate action to be taken in regard to the prisoner?

The Hon'ble Sir PROVASH CHUNDER MITTER: I think I have already answered that question.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state why this prisoner was taken to Lalbagh thana?

The Hon'ble Sir PROVASH CHUNDER MITTER: That does not concern my department, so I have no idea.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware that in the Government communique it is stated that the prisoner was taken to Lalbagh as the *kotwali* was stuffy?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot answer that because that does not concern my department. I believe there is another question which is addressed to the Hon'ble Member in charge of the department concerned on the same subject.

Mr. SYAMAPROSAD MOOKERJEE: Shall we have to wait till that question is answered? (Pause.)

Will the Hon'ble Member be pleased to state why the mother of the prisoner or his people were not informed of the condition of the prisoner?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe that they were informed about the *post-mortem* examination.

Mr. SYAMAPROSAD MOOKERJEE: That is they were informed after his death.

The Hon'ble Sir PROVASH CHUNDER MITTER: As you will find from the communique, his condition suddenly became serious.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state when his condition became serious?

The Hon'ble Sir PROVASH CHUNDER MITTER: On the day of his death.

Mr. SYAMAPROSAD MOOKERJEE: Were any steps taken to inform his mother or other relatives?

The Hon'ble Sir PROVASH CHUNDER MITTER: There was no time to give information earlier.

Mr. SYAMAPROSAD MOOKERJEE: Does the Hon'ble Member approve of the conduct of the officers concerned?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not having further facts before me it is difficult to say. The officer-in-charge has to deal with over 2,000 prisoners and it will be impossible for him to inform the relatives of the prisoners of their illness as soon as they fall ill.

Mr. SYAMAPROSAD MOOKERJEE: How many cases of such insanity have occurred during the term of office of the Hon'ble Member.

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not remember any other case but on investigation I found that his father who was a sub-registrar had to retire before time on that very ground and he died possibly of that disease.

Khan Bahadur Maulvi AZIZUL HAQUE: In view of the statement of the Hon'ble Member that the officer concerned has to deal with over 2,000 prisoners, may I inquire if all of them have shown signs of insanity?

The Hon'ble Sir PROVASH CHUNDER MITTER: If the officer has to report to the relatives in all cases of illness it will be very difficult for him to manage his work.

3-20 p.m.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is the practice to record allegations of ill-treatment in the Sub-Assistant Surgeon's report book?

The Hon'ble Sir PROVASH CHUNDER MITTER: No. But if such allegations were made, they would be attended to.

Mr. NARENDRA KUMAR BASU: With reference to answer (*g*), will the Hon'ble Member be pleased to state when the report was placed before the Subdivisional Officer?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have got the papers with me, but I would like to have notice.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. My original question was: was this report placed before the Subdivisional Officer before the 17th June and the answer is yes. Now when I asked a supplementary question as to when the report was placed before the Subdivisional Officer, his answer is that he would ask for notice.

The Hon'ble Sir PROVASH CHUNDER MITTER: I could answer that that it was sent on the 15th June, or so, but I am doubtful whether that would be an accurate answer, and that is why I wanted notice. Surely, I cannot carry everything in my head!

Post-mortem examination of undertrial prisoner Anil Das.

***136. Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) how long after undertrial prisoner Anil Babu's death in the Dacca Jail was the *post mortem* examination held; and

(*ii*) whether it has been medically ascertained that mere congestion of the brain without any reference to its origin can be regarded according to medical opinion as an immediate cause of death due to natural causes?

(*b*) Has it been medically ascertained what was the significance of the presence of froth in the mouth and nostrils in this case?

(*c*) How was this condition associated with the congestion of the brain which according to the *post mortem* report was responsible for death?

(*d*) What was the reason for the omission in the report of any mention of the lungs, right auricle, the tongue, the mouth, the brain tissue and the cervical vertebrae and tissues of the neck?

(*e*) Has it been medically ascertained what is the form of death in which the presence of froth in the mouth and nostrils is commonly associated with congestion of the brain?

(*f*) When did Babu Anil Kumar Das have his last meal? What did it consist of?

(*g*) Was any inquiry made by the District Magistrate before stating that "the deceased was not maltreated in any way while in police custody and the allegation that he was beaten is entirely false"?

(*h*) If the answer to (*g*) is in the affirmative, will the Hon'ble Member be pleased to state when and by whom the inquiry was made?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) This undertrial prisoner died on the 17th June, 1932, at 2-25 p.m. and *post-mortem* examination on the body was held on the same day between 6-48 p.m. and 7-30 p.m.

(*ii*) Yes.

(*b*) Yes. It has no special significance.

(*c*) The effect of congestion of the brain.

(*d*) They were found healthy.

(*e*) Yes. Respiratory failure.

(*f*) The last meal which he took was on the 17th when he was fed on medical advice with the following:—

½ seer milk, 1 chattaks of cooked barley water, two eggs (raw), 1 chattak sugar.

(*g*) and (*h*) Yes. Inquiries were made by the District Magistrate on the 18th, 19th and 20th June, 1932.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state with reference to answer (*f*) how, if this man took food at 2-55 p.m. and the *post-mortem* was held on his body on the same day between 6-48 and 7-30 p.m., it would be possible for the examination to show that not only his stomach, but also his large and small intestines were both empty?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not being a medical man it is difficult for me to answer that question.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state how the fact that he took meals a few hours before his death is consonant with the fact disclosed in the *post-mortem* examination that the man had no food for at least 72 hours before he died?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not being a medical man, it is difficult for me to answer that question.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (*g*), is the Hon'ble Member aware that the prisoner complained before the court that he was maltreated by the Police?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have read that in the newspapers, but it being not my department, I am unable to answer that question.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware that the Government communique did not satisfy the public mind on that question at all?

(No answer.)

Narayanganj Municipality.

***137. Mr. ANANDA MOHAN PODDAR:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the population of the Narayanganj Municipality is above 33,000;

(*ii*) that the annual income of the Narayanganj Municipality is about two lakhs of rupees;

(*iii*) that the number of commissioners of the Narayanganj Municipality is only 12 since its creation in 1876; and

(*iv*) that the number of commissioners in most other municipalities with less population and less income is above 18?

(*b*) With reference to the reply given to the unstarred question 9 at the Council meeting held on the 20th July, 1931, will the Hon'ble Minister be pleased to state whether the report of the commissioners has reached the Government by this time?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, the Government propose to take in the matter?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) to (*iv*) Yes.

(*b*) It is presumed that the question refers to the report of the Divisional Commissioner.

This has reached Government.

(*c*) Government do not propose to take any action in the matter unless the municipal commissioners at a meeting pass a resolution in favour of an increase in their number under section 9 of the Bengal Municipal Act.

Tornado in Mymensingh.

***138. Maulvi NUR RAHMAN KHAN EUSUFJI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that in the early part of May, 1932, a tornado passed through a number of villages in the Mymensingh district causing very serious loss to human lives, properties, etc.?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) how many villages were affected thereby with the names of the villages;

(*ii*) how many persons died as a result of the said incident;

(*iii*) total number of domestic animals lost; and

(*iv*) total value of the properties damaged?

(*c*) Is the Hon'ble Member aware that most of the people in the affected areas have become destitute and unable to recoup their position in the near future?

(*d*) What steps, if any, have been taken by Government to give aid to the sufferers and the distressed in the affected areas?

(*e*) What is the total amount of money spent by Government in the matter of relief?

(*f*) Have there been any private organisations of relief work in the affected localities?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) A statement is laid on the table.

(*c*) Damage to standing crops occurred only over a limited area and the general position is not bad.

(*d*) Relief was organised and help rendered by all the available Government officers and money was supplied for gratuitous relief and agricultural loans.

(*e*) About Rs. 8,000.

(*f*) Yes.

Statement referred to in clause (b) of starred question No. 138, showing the number and names of villages affected, the number of persons who died, the number of domestic animals lost and the amount of damage to property caused in the tornado at Mymensingh in May, 1932.

(*b*) (*i*) 18, viz., Rambhadrapur, Naryanpur, Paranganj, Borerchar, Shamrampur, Char Asadia, Kalyanpur, Kismat, Char Jailkhana, Kashore, Khagdahar, Jafarkanda, Dighirchar, Mirdhapara, Daspara, Teragai, Begunbari, Golgonda.

(*ii*) 60 deaths in the villages and 27 in the Jail.

(*iii*) 300.

(*iv*) 20,000 (excluding damage to the Jail).

Prisoners in Midnapore Central Jail.

***139. Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that one Birendra Nath Das Gupta, a convict, and one Haripada Bhattacharjya, a life convict in the Ahsanullah murder case, and several others at present lodged in the Midnapore Central Jail are being kept in the condemned cells during the night?

(*b*) Is it a fact that no such punishment has been imposed upon them by the jail authorities for breach of any jail rules or discipline?

(*c*) Will the Hon'ble Member be pleased to state under what authority and under whose orders they have been subjected to such punishments?

(*d*) Are the Government considering the desirability of removing these restrictions?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) to (*d*) Do not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if they were ever kept in these condemned cells?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of the fact.

Mr. R. MAITI: With reference to answer (*a*) will the Hon'ble Member be pleased to state whether his answer is based upon any report and, if so, from whom?

The Hon'ble Sir PROVASH CHUNDER MITTER: I suppose it was based on local officers' reports.

Muslim Girls' High School in Calcutta.

***140. Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 72 at the Council meeting held on the 23rd February, 1932, will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government have come to a decision as to the proposal for the establishment of a high English school for Muslim girls in the city of Calcutta?

(*b*) If not, when can a decision be expected?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) and (*b*) The Director of Public Instruction has been asked to work out a detailed scheme showing the financial commitments involved. This will be examined by Government and, when it is approved, it will be put into effect when funds can be provided. It is not possible, therefore, to say when a final decision will be reached.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state when the Director of Public Instruction was asked to work out this detailed scheme?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state how long this matter has been pending before Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Pending for sometime.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether he would take up the question in the next financial year?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Is it not a fact that in Calcutta there are many high schools which admit Muhammadan girls?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, there are.

Khan Bahadur Maulvi AZIZUL HAQUE: Is the Hon'ble Minister aware that in some of the Calcutta schools Muhammadan girls could only be admitted by changing their names?

(No answer.)

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether there is provision for teaching Arabic and Persian in any of those schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not know; perhaps not.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is the Hon'ble Minister aware that on this account Muhammadans consider these high schools unsuitable for their girls?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: If there is such a demand, provision would certainly be made.

Khan Bahadur MUHAMMAD ABDUL MOMIN: But that is no answer at all.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to consider the desirability of making arrangements for awarding scholarships to the existing schools for teaching Arabic and Persian, where high schools cannot be established?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is only a question of providing teachers.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to consider making arrangements for studies in those subjects in the existing schools in Calcutta with the help of Government grants-in-aid?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There is no such proposal before the Government now.

Goalundo Ghat charge.

*141. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(i) whether a fee known as "*ghat* charge" is realised from every passenger to, from and through the Goalundo Ghat, if so, for what purpose;

(ii) whether the proceeds of the "*ghat* charge" are shared by the Railway administration and the Steamer companies concerned; if so, in what proportion;

(iii) the amount that has been received each year by the Railway administration on this account for the last five years or less for which figures are available; and

(iv) how the same has been expended?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. J. A. Woodhead): (i) A *ghat* charge of two annas for each single journey ticket and four annas for each return journey ticket is levied on passengers passing Goalundo Ghat. This charge is levied in order to meet the heavy expenses involved in providing and maintaining facilities for passengers passing Goalundo Ghat—the site of which has to be frequently shifted on account of river conditions.

(ii) The amount realised is credited wholly to the Eastern Bengal Railway.

(iii) 1927-28—Rs. 64,210.
1928-29—Rs. 73,649.
1929-30—Rs. 72,021.
1930-31—Rs. 62,333.
1931-32—Rs. 54,294.

(iv) The amount is included in the revenues of the Railway from which working expenses including those connected with the *ghats* are met.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state with reference to answer (*iii*) whether all these amounts were spent by the Railway authorities for providing facilities for passengers?

The Hon'ble Mr. J. A. WOODHEAD: I ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state what proportion or percentage of the amount thus realised was spent in these years on provision of facilities for passengers?

The Hon'ble Mr. J. A. WOODHEAD: I must ask for notice.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state why this *ghat* charge is not levied on every rupee that is paid as fare? It appears from answer (*i*) that a *ghat* charge of two annas is levied for each single journey ticket and four annas for each return journey ticket: Why is this charge not levied on the actual fares paid by the passengers?

The Hon'ble Mr. J. A. WOODHEAD: I cannot say why the charge is not levied on the actual fares paid by the passengers.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether this is not a charge more than the Railway is justified to levy and will the Hon'ble Member be pleased to refer the matter to the Railway authorities?

The Hon'ble Mr. J. A. WOODHEAD: I presume that they are justified in levying such a charge.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state if the Advisory Committee of the Railway is consulted before the charges are levied?

The Hon'ble Mr. J. A. WOODHEAD: I do not know.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it a fact that first class, second class and third class passengers all have got to pay the same amount of *ghat* charge?

The Hon'ble Mr. J. A. WOODHEAD: Apparently so; the answer already given is to that effect.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to draw the attention of the Railway authorities to this important matter?

The Hon'ble Mr. J. A. WOODHEAD: I would suggest that this should be done through the Advisory Committee.

Closing of educational institutions during the month of Ramzan.

***142. Maulvi TAMIZUDDIN KHAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is a proposal under consideration to make provision for the closing of educational institutions during the month of Ramzan?

(*b*) If so, when can a decision be expected?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No; but it has been suggested that schools should be closed for the last week of Ramzan and that in institutions, where there is a considerable proportion of Moslem students, the school hours should be from 7 a.m. to 11 a.m. during the first three weeks.

(*b*) Government have asked the Moslem Education Advisory Committee for their advice and a decision may be expected shortly after that advice has been received.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state with reference to answer (*a*) by whom the suggestion referred to has been made?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The Director of Public Instruction.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether there is a widespread demand amongst the Muhammadan students as well as among the Muhammadan community in general for the closing of schools during the month of Ramzan?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes, the demand is mostly more from the Moslem school boys.

Notifying estates to be sold in Faridpur.

***143. Rai Sahib AKSHOY KUMAR SEN:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that the Collector of Faridpur has recently stopped the publication of the list of estates to be sold for arrears of revenue; and

(*ii*) that the stopping of such publication has caused inconvenience to the defaulters and the intending bidders?

(*b*) Are the Government considering the desirability of publishing the said list as used to be done before?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) No. The provisions of Act XI of 1859 for notification of estates to be sold are followed. The Collector never published the list in the newspapers.

(*ii*) Does not arise.

(*b*) Does not arise.

Retired Government servants in Courts of Wards Department.

***144. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that a good number of retired Government servants are at present in the employ of the various Court of Wards estates in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the actual number of such officers?

(*c*) Is the Hon'ble Member aware that young men with experience are available for these employments?

(*d*) If the answer to (*c*) is in the affirmative, what are the special reasons, if any, for employing these aged men who have retired from Government service?

(*e*) Are the Government considering the desirability of replacing these retired Government servants by available experienced and younger men?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) There are seven such officers out of a total number of 66 managers, assistant managers and circle superintendents on a pay of Rs. 100 or more.

(*c*) Applications are received from young men but they are generally without experience.

(*d*) When retired officers are appointed it is because they have acquired long experience of revenue and settlement work and their probity and tact has been thoroughly tested.

(*e*) It is the policy of the Court of Wards to replace retired officers gradually by younger men.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether these seven officers are all aged above 60?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would like to ask for notice.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether these officers are incompetent to discharge their duties efficiently due to their old age?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not know their age, but if a complaint is made, they will be suitably dealt with.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether Mr. J. C. Mitra, Manager, is a gentleman of long experience in revenue and settlement work?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, he is not a gentleman of long experience in revenue and settlement work. But he is a retired Accountant-General and an officer of great experience and status. Under the terms with the mortgagees we were bound to employ a gentleman of status.

Maulvi SYED MAJID BAKSH: With reference to answer (*c*) will the Hon'ble Member be pleased to tell us if young men are not at all employed, how can they have experience?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing more to add.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state for how many years this gentleman has been working in the Court of Wards?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not know whom the member is referring to.

Mr. SYAMAPROSAD MOOKERJEE: With reference to answer (c) will the Hon'ble Member be pleased to state if his observations apply equally to the young members of the Indian Civil Service?

(No reply.)

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state why, if these gentlemen are considered unfit for Government service, they are employed in the Court of Wards' service?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have answered that question already.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether the rules regarding retirement at the age of 55 are followed in the case of the Court of Wards Department?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, the member is under a misapprehension; the rule does not apply to Court of Wards employment.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state if Court of Wards officers are like every other Government servant under Government control or private officers and not under the control of Government?

(No reply.)

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether a pensioned Government officer, if he happens to be employed in the Court of Wards, gets full pension?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe he does.

Khan Bahadur Maulvi AZIZUL HAQUE Is the Hon'ble Member aware that there are rules in the Finance Department against this practice?

The Hon'ble Sir PROVASH CHUNDER MITTER: I would ask the member to look to the rules more closely.

Khan Bahadur Maulvi AZIZUL HAQUE: I am not a Cabinet Minister.

Release of civil disobedience prisoners.

*145. **Dr. AMULYA RATAN GHOSE:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(i) whether it is a fact that the Government have decided to release the prisoners convicted for offences in connection with the civil disobedience movement;

(ii) whether it is a fact that a large number of such prisoners were released of late before their terms of imprisonment were completed;

(iii) if so, what is the total number of such prisoners that have been released;

(iv) how many are still in prison; and

(v) what are the reasons for the differential treatment with this class of prisoners?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (i) No

(ii) Yes.

(iii) 389 males and 83 females.

(iv) 3,490 males and 203 females on the 31st July, 1932.

(v) The prisoners released were women or juveniles whom Government considered could be safely set at large.

Excise sub-inspectors from depressed classes.

*146. **Babu LALIT KUMAR BAL:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to lay on the table a statement showing since 1921

(i) how many Excise sub-inspectors have been appointed from among the Hindus and Muhammadans respectively; and

(ii) the number taken from the depressed classes?

(b) Have any Excise sub-inspectors been appointed from the qualified candidates belonging to the Namasudra community and other depressed classes of the Bakarganj district? If so, how many?

(c) Is there any possibility of recruiting Excise sub-inspectors this year?

(*d*) If the answer to (*c*) is in the affirmative, what steps do the authorities intend to take to preserve the interests of the depressed classes in the matter of such recruitment?

MINISTER in charge of ACRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*)—

Hindu—49.

Muhammadan—37.

(*ii*) As far as information is available, six sub-inspectors were appointed from the depressed classes.

(*b*) There is no sub-inspector of the Namasudra community of the district of Bakarganj, but there is one recruited from among other depressed classes of the district.

(*c*) The matter is pending with the Government.

(*d*) Does not arise.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Minister be pleased to state whether Government keep a list of the castes belonging to the depressed classes?

The Hon'ble Mr. BIJOY PRASAD SINCH ROY: I think there is a list in the Census Report.

Rai Sahib SARAT CHANDRA BAL: Will the Hon'ble Minister be pleased to state if it is under the contemplation of Government to take any steps to preserve the interests of the depressed classes in the country?

The Hon'ble Mr. BIJOY PRASAD SINCH RDY: Efforts are always made to preserve the interests of the depressed classes; so that question does not arise.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to state whether the six candidates who are said to have been appointed from the depressed classes really come under the classification of depressed class as adopted by the Government of Bengal?

The Hon'ble Mr. BIJOY PRASAD SINCH ROY: Government have got their list of depressed classes and they follow that.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to state whether that list is strictly followed?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, it is strictly followed.

Babu AMULYADHAN RAY: Is the Hon'ble Minister aware that many local bodies do not strictly follow that classification?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: No, Sir, that is not my information.

Babu AMULYADHAN RAY: Will the Hon'ble Minister be pleased to state whether he is aware that many candidates outside the classification of depressed classes allege themselves to belong to depressed classes at the time of appointment?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: As I have said they do follow this classification; at least that is my information.

Muhammadan officers in Judicial service in Bakarganj district.

*147. **Maulvi MUHAMMAD HOSSAIN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(i) the present number of judicial officers in the district of Bakarganj; and

(ii) how many of them are Muhammadans?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (i) Nineteen.

(ii) Two.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Abduction cases.

67. **Babu KISHORI MOHAN CHAUDHURI:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state, district by district, for each year from 1926 to 1931—

(i) the number of cases of abduction;

(ii) the number of cases in which the victims were Hindu women;

(*iii*) the number of cases in which the victims were Muhammadan women;

(*iv*) the number of cases in which the assailants were Muhammadans when the victims were Hindu women;

(*v*) the number of cases in which the assailants were Hindus when the victims were Hindu women;

(*vi*) the number of cases in which the assailants were Muhammadans when the victims were Muhammadan women;

(*vii*) the number of cases in which the assailants were Hindus when the victims were Muhammadan women; and

(*viii*) the number of cases in which the assailants were Hindus and Muhammadans together when the victims were either Hindu or Muhammadan women?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) how many cases of abduction referred to in (*a*) were reported to the police;

(*ii*) in how many of such reported cases the police failed to detect the culprits;

(*iii*) how many of such cases were brought under the courts of law; and

(*iv*) in how many cases the culprits were convicted?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) and (*b*) A statement is laid on the Library table.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether in view of the alarming increase of abduction cases in this province, Government consider the question of taking any special steps to check this?

The Hon'ble Mr. R. N. REID: Government believe that these cases can be checked by the local officers acting under the ordinary law.

Mr. NARENDRA KUMAR BASU: If such things can be checked under the ordinary law, the terrorist outrages could also be checked under the ordinary law.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why the statement is laid on the Library table?

The Hon'ble Mr. R. N. REID: Statements are sometimes laid on the Library table and we followed that practice in this instance.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether he is aware that if such a statement is laid on the Library table it becomes difficult for members to ask supplementary questions?

Mr. PRESIDENT: The question does not arise; I understand that the statement was voluminous and could not conveniently be placed on the members' tables in the Council Chamber, but members always have access to the Library room.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government are prepared to consider the desirability of having any special legislation in this matter?

The Hon'ble Mr. R. N. REID: No question of special legislation is before Government.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise on a point of order. A member of Council cannot possibly know what the answer will be until the question is actually answered and so he cannot ask any supplementary question.

Mr. PRESIDENT: I do not quite follow you.

Rai Bahadur KESHAB CHANDRA BANERJI: My point is that the Hon'ble Member has said just now that the statement is laid on the Library table. Sir, my point is that until the question is actually answered, a member or the questioner cannot know what the statement contains, and it is not therefore possible for him to put any supplementary questions.

Mr. PRESIDENT: The remedy is obvious. If a member has put a question or is interested in a question which has been put by any other member, he should, as soon as the question paper has been handed over to him, go to the Library room and find out the contents of the statement to which the member answering the question has referred. Members have always access to the Library room.

Mr. NARENDRA KUMAR BASU: Sir, may I point out that printed answers to questions are not placed in the hands of the members on the previous day and they are only available when we come to this Council room. It will certainly disturb the harmony of the proceedings if several members were to be running to and from the Council Chamber to look at the statements which are laid on the Library table.

Mr. PRESIDENT: It has always been the practice to hand over the question papers half an hour before the Council starts and there has been no departure from this practice.

Malaria in Tippera.

68. Babu KHETTER MOHAN RAY: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that a malignant type of malaria has been raging in a most virulent and epidemic form carrying off several hundreds of men in many villages of the district of Tippera;

(*ii*) that in a single village, namely Chandla, in police-station Burichang, about 400 persons died in the course of a year; and

(*iii*) that in another village, viz., Raja Mehar, in thana Debiduar, about 200 persons died in the course of five months?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the number of deaths for the year ending in June, 1932, in each of the villages, from malaria, within the jurisdiction of thanas Burichang, Muradnagar and Debiduar in the district of Tippera?

(*c*) Have the Government taken any steps to trace the causes which gave rise to malaria in a virulent and epidemic form and to stop the spread of this disease?

(*d*) If so, what steps have been taken and with what results?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government intend to take any, and if so, what measures to check the progress of and eradicate the disease from those villages?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) (*i*) There was malaria in epidemic form in some areas of the district. There were very few cases of malignant malaria, and the attack was not virulent. It is not correct to say that it carried off several hundreds of men in the villages.

(*ii*) No. In the whole union of Chandla (10 villages with 15,145 inhabitants) only 180 persons died of malaria from August, 1931, to July, 1932. In the actual village of Chandla (4,154 population) there were only 35 deaths from malaria, from January, 1932, to 15th June, 1932.

(*iii*) No. In the whole union board of Raja Mehar (with 11,473 inhabitants) there were only 19 deaths from malaria, during the period from April, 1932, to June 15, 1932.

(*b*) Figures for mortality by villages are not available. A statement of mortality by thanas is laid on the table.

(*c*) Yes.

(*d*) Steps taken to trace the causes were as follows:—

The Assistant Director of Public Health for the Dacca Circle carried out a local investigation, which showed that the outbreak was largely the result of scarcity following a partial failure of crops for the last two years. Many people appear to have been infected while visiting Hill Tippera for procuring forest products.

Steps taken to stop the spread of the disease were as follows:—

In addition to the Assistant Director of Public Health, the Director of Public Health has deputed two doctors to assist the district board staff to afford medical relief to the local inhabitants. A hundred pounds of cinchona febrifuge has been supplied by the Director of Public Health to the district board, which purchased forty pounds.

The result of the inquiries has been to show that there was not only malaria but also a great deal of influenza and Kala-azar and some suspected paratyphoid and the result of the curative measures has been the gradual decline of the malaria.

(*e*) Does not arise.

Statement referred to in clause (b) to unstarred question No. 68 showing the deaths from malaria and fevers in the police-stations of Burichang, Muradnagar and Debidwar in the district of Tippera for the months from June, 1931, to June, 1932.

Thanas	June, 1931.	July, 1931	August, 1931	September, 1931	October, 1931	November, 1931	December 1931	January, 1932.	February, 1932.	March, 1932.	April, 1932.	May, 1932.	June, 1932.	Totals.
Deaths from malaria.														
Burichang ..	9	2	12	.	2	3	8	..	.	2	34	45	95	712
Muradnagar ..	17	9	18	13	7	12	23	29	28	3	49	24	80	312
Debidwar .	19	3	15	7	5	2	4	27	34	12	19	39	58	244
												Total		768
Deaths from "fever" (including malaria).														
Burichang ..	166	124	119	122	80	58	67	93	115	97	141	164	212	1,570
Muradnagar ..	88	77	78	47	74	78	101	150	134	89	141	117	185	1,350
Debidwar ..	72	35	55	20	42	46	39	61	107	37	79	102	94	789
												Total ..		3,724

Administration of the Calcutta Medical College.

69. Mr. K. C. RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing for the last three years—

(*i*) the number of students admitted into each of the Calcutta and Carmichael Medical Colleges; and

(*ii*) the results of the final examinations in each of the said institutions?

(*b*) Is the Hon'ble Minister aware that the expenses on account of the teaching staff of the Calcutta Medical College are four times the expenses of the Carmichael Medical College?

(*c*) Are the Government considering the desirability of running the Government College on the principles adopted for the Carmichael Medical College?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) A statement is laid on the table.

(*b*) Yes.

(*c*) No. The standard of teaching, equipment and facilities are much superior in the Medical College. Results generally are also better at the Medical College than at the Carmichael College. But the question of reduction of expenditure of the Medical College is being considered by the Retrenchment Committee.

Statement referred to in the answer to clause (a) of unstarred question No. 69.

STUDENTS AND PASSES.

	On the rolls.	New admission.	Re-admission or on transfer	Total.	Appeared.	Passed.	Percentage.
1	2	3	4	5	6	7	8
Medical College.							
1928-29	793	90	6	889	406	185	45·67
1929-30	699	84	13	796	285	114	40
1930-31	637	100	9	746	265	88	33·2
Carmichael Medical College.							
1928-29	540	97	3	640	235	92	39·11
1929-30	534	98	..	632	220	81	36·81
1930-31	536	99	..	635	189	78	41·27

Flood havoc in Kurigram and Gaibandha subdivisions.

79. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government had received any timely official or non-official information about the flood havoc in the Kurigram and Gaibandha subdivisions continuing from the latter part of June?

(*b*) If so, have the Government ascertained the extent of damage done to the growing crops in the affected areas?

(*c*) Is the Hon'ble Member aware that cultivators in the affected areas have been left without any means of subsistence and are in immediate need of help in the shape of gratuitous relief?

(*d*) Is the Hon'ble Member aware that a great number of people including women and children have been fasting for days together without a morsel of food and that many are on the point of death?

(*e*) Have the Government taken any step to give relief to the distressed people? If so, what steps have been taken in the matter?

(*f*) What amount, if any, have the Government set apart for gratuitous relief and agricultural loan to the flood-stricken people?

(*g*) Is it a fact that the amount sanctioned for relief work in Kurigram last year has been withdrawn?

(*h*) If so, is it because the labourers were offered only annas 2 per diem while the usual rate prevailing there was annas 4?

(*i*) Are the Government aware of the general economic distress being accentuated by flood after flood of unusual character in the Kurigram and Gaibandha subdivisions?

(*j*) Are the Government considering the desirability of affording facilities for repayment of agricultural loan by allowing easy instalments extending over a period of six years from the date of receiving the loan?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) It is reported that the damage to *aus* paddy and jute was considerable but that the damage to the *aman* paddy was not heavy.

(*c*) No. In some cases gratuitous relief is necessary and is being given.

(*d*) No such report has been received.

(*e*) The local officers have been giving relief from funds at their disposal. Government will allot further funds if necessary. Rupees 90,000 have been allotted to Rangpur for agricultural loans this year.

(*f*) No particular amount is set apart for any particular locality. Allotments are made according to the extent and severity of the distress.

(*g*) A portion of the amount provided for test relief works in Kurigram last year was withdrawn and reallotted to Gaibandha.

(*h*) The rate was reduced from annas 3 to annas 2 per 100 cubic feet. It may be that labourers did not attend work in Kurigram because they were able to earn higher wages otherwise.

(*i*) Government are aware that successive floods have caused distress, but the last flood was of short duration and not of an unusual character.

(*j*) No. The Collector is competent to sanction suspension in cases of hardship, and no special orders are necessary.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state the officers from whom the report referred to in answer (*b*) has been received?

The Hon'ble Sir PROVASH CHUNDER MITTER: I presume the local officers.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state the extent of the damage done to the *aman* paddy according to the report of local officers?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have already stated in my answer that the damage was not heavy.

Kazi EMDADUL HOQUE: Will the Hon'ble Member be pleased to state, with reference to answer (*d*), whether women and children have been starved for days together without a morsel of food and that many were on the point of death?

The Hon'ble Sir PROVASH CHUNDER MITTER: Generally speaking the condition is not very bad.

Muslims in the Court of Wards Department.

71. Mr. A. F. M. ABDUR-RAHMAN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present number of Court of Wards estates;

(*ii*) how many of them are Muhammadan estates;

(*iii*) the number of managers recruited directly;

(*iv*) how many of them are Muhammadans;

(*v*) the number of other officers employed therein; and

(*vi*) how many of them are Muhammadans?

(*b*) If the number of Muhammadans is insufficient, are the Government considering the desirability of reviewing the whole position and issuing instructions to all the Court of Wards estates to appoint more Muhammadans as managers and others officers?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) 106.

(*ii*) 12.

(*iii*) 33.

(*iv*) 2.

(*v*) and (*vi*) The information is not readily available.

(*b*) Of the 12 Muhammadan estates, 3 have Muhammadan managers, 4 are managed by the Manager, Dacca Nawab Estate, with a Muhammadan assistant manager, 3 by general managers of districts who are Hindus and 2 by other Hindu managers. Figures for the remaining staff are not available, but generally the Court of Wards retains the staff employed previous to assumption of charge and the interests of the estates must be the primary consideration in making appointments. Government do not see any reason to take the action suggested.

Khan Bahadur Maulvi AZIZUL HAQUE: With reference to the statement made in answer to (*b*) that the interests of the estates must be the primary consideration in making appointments, will the Hon'ble Member be pleased to state whether any Muhammadans will not be employed as managers?

The Hon'ble Sir PROVASH CHUNDER MITTER: Certainly not.

Maulvi TAMIZUDDIN KHAN: With reference to the answers (*iii*) and (*iv*), will the Hon'ble Member be pleased to state whether the fact that out of 33 managers directly recruited only two are Muhammadans considered sufficient?

The Hon'ble Sir PROVASH CHUNDER MITTER: In view of the fact that the number of Muhammadan qualified managers is very small, it is difficult to recruit more Muhammadans.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Is it the considered opinion of the Hon'ble Member in charge that it is not possible nowadays to find equally efficient Muhammadan officers for Court of Wards estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, but whenever suitable candidates appeared they were appointed.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether any attempt has been made in recent years to recruit Muhammadans for these estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, in some cases.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether it is not a fact that the estates for which the two Muhammadans were appointed are in the Chittagong Division?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot say offhand.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to consider the advisability of dismissing Hindu officers appointed to Muhammadan estates to provide for Muhammadan officers?

Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Member be pleased to state whether it is not a fact that in the estate of the Nawab of Dacca, one of the biggest among the Wards' estates, there were vacancies for which Muhammadan applicants applied but Muhammadans were not deliberately taken?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot say offhand whether it is so, but if the member will give me the particulars I shall certainly inquire into the matter.

Mr. A. K. FAZL-UL HUQ: Under the management of Tushkhali there were two vacancies for which there were 30 Muhammadan candidates of which several were graduates but none of them were appointed.

The Hon'ble Sir PROVASH CHUNDER MITTER: I shall inquire into the matter; but I may inform the member that in the Dacca Nawab's Estate, the manager is an I.C.S. officer and these small appointments do not come up to Government.

Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Member be pleased to state whether in making appointments to these Wards' estates the wishes of Muhammadan proprietors are ever considered?

The Hon'ble Sir PROVASH CHUNDER MITTER: I think so, but I may tell the member that the Revenue Department is merely a supervising authority over the Court of Wards and if the member wants information on particular points, I would like to have notice.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether in any Hindu estate a Muhammadan manager has been appointed up till now?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Member be pleased to state whether it is not a fact that the general impression is that the Board of Revenue does not consider the question of Muhammadan employment at all?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am not aware of it.

Mr. A. K. FAZL-UL HUQ: Will the Hon'ble Member be pleased to state whether there is not a rule to maintain a list of persons qualified for managership?

The Hon'ble Sir PROVASH CHUNDER MITTER: The Board of Revenue probably maintains such a list.

Mr. NARENDRA KUMAR BASU: Sir, regarding the consultation of the wishes of the disqualified proprietors, will the Hon'ble Member be pleased to state whether or not two of such disqualified proprietors are now in the Cabinet?

(No reply.)

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Member be pleased to state whether in future he proposes to appoint suitable Muhammadan candidates?

The Hon'ble Sir PROVASH CHUNDER MITTER: Whenever suitable Muhammadans are available in a suitable estate the Board of Revenue or the Commissioner, whoever may be the appointing authority, appoints them.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is the intention of Government to appoint Muhammadan gentlemen as managers in spite of the wishes of the Hindu proprietors of estates?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Sale of the fishery rights for 1932-33 in the district of 24-Parganas.

72. Maulvi MUHAMMAD SOLAIMAN: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that in February last an auction for the sale of the fishery rights for the year 1932-33 of the Bidyadhari Spill area and the Bidyadhari dredging land within the police-stations Dum Dum, Bhangar, Sonarpore and Tollygunge in the district of the 24-Parganas was held by the Engineers in charge of the Canals Division; and

(*ii*) that Rs. 15,500 and Rs. 650, respectively, were offered as the highest bids for the above fishery rights by an old tenant of the said department?

(*b*) Is it a fact that the bids for the two said fishery rights were not closed then and there?

(*c*) Is it a fact that the highest bidder not having any intimation regarding his bids for some days made an application on the 16th March, 1932, offering Rs. 1,500 or even more, as annual rental for the dredging land fishery?

(*d*) Is it a fact that afterwards his bid for the spill area fishery was accepted by the authorities concerned for Rs. 15,000?

(*e*) Is it also a fact that on the 1st April last the Executive Engineer, Canals Division, prevailed upon the identical bidder asking him to raise his bid for the same spill area by Rs. 3,000 on the definite assurance and undertaking being given by the said department that his bid for the Bidyadhari dredging land too would be accepted at an annual rental of Rs. 650?

(*f*) Is it a fact that on the said assurance and undertaking the said highest bidder took the settlement of the spill area fishery right at an annual rental of Rs. 18,500?

(*g*) Is it a fact that the dredging land fishery right was not given to him but was privately settled with another person for a period of 2 years at a consolidated rental of Rs. 1,250?

(*h*) If the answer to (*g*) is in the affirmative, what are the reasons for not acting up to the assurance and undertaking?

(*i*) Is it a fact that there is a standing order of the Government to sell these fisheries annually?

(*j*) If the answer to (*i*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for the change of the system of annual settlement to biennial one?

(*k*) Will the Hon'ble Member be pleased to state the reason for making private settlement without due notification of the matter?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): (*a*) (*i*) No. An auction for the fisheries in question was advertised for 26th February, but as few bidders attended the auction was postponed till 7th March. No auction of the fisheries was held in February.

(*ii*) The bids referred to were the highest bids at the auction held on 7th March.

(*b*) The bids were not accepted.

(*c*) The highest bidder did not offer Rs. 1,500 for the dredging land area until the lease had been finally settled. He was asked if he was prepared to increase his original bid of Rs. 650, but declined to do so.

(*d*) His bid of Rs. 15,000 for the spill area was not accepted.

(*e*) No. The original highest bidder for the spill area subsequently made an offer of Rs. 18,500 for that area but was given no assurance or undertaking regarding the dredging area. On the contrary he was given an opportunity of increasing his original bid of Rs. 650 in respect to that area and refused to do so.

(*f*) No, there was no such assurance or undertaking.

(*g*) Yes. The dredging land fishery was leased to another party at Rs. 1,250 per annum.

(*h*) No such assurance or undertaking was ever given.

(*i*) No. There is no such standing order.

(*j*) Does not arise.

(*k*) The advertised terms of the auction definitely stated that the highest or any other bid need not be accepted. The bids received at the auction were very low, totalling only Rs. 16,000 for the area in question, as compared with Rs. 27,285 for which they were leased the previous year. The bids were not accepted and the leases were settled with the parties making the best offers. The highest bidder at the auction was given an opportunity of making revised offers and actually did so in the case of the spill area and his offer was accepted. In the case of the dredging area he was not prepared to increase his offer and the highest offer received was accepted.

Borrowpits in the North Dum Dum Municipality.

73. Babu PROFULLA KUMAR GUHA: (*a*) With reference to the reply given to unstarred question No. 101 at the Council meeting held on the 15th August, 1930, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what suggestions were made by the Director of Public Health to improve the insanitary borrowpits excavated by the Eastern Bengal Railway within the North Dum Dum Municipality?

(*b*) Have the Government inquired about the report of the Ross Institute and Hospital for Tropical Diseases (London) as referred to in clause (*b*) of the abovementioned question of 1930?

(*c*) Will the Hon'ble Minister be pleased to state whether the suggestions made by the Director of Public Health have been carried out?

(*d*) Has the attention of the Hon'ble Minister been drawn to a series of letters written by the Chairman, North Dum Dum Municipality, to the Executive Engineer, Eastern Bengal Railway, with practically no reply from the latter?

(*e*) Are the Government considering the desirability of requesting the Railway authorities not to make any insanitary cuttings in or near a locality which may tell upon the health of the people?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The Department of Public Health suggested that the borrowpits should be leased out to the Nimta Anti-malarial Society.

(*b*) Yes. It contained nothing relevant beyond a suggestion that railways might give rights over borrowpits to villages in which there are anti-malarial societies.

(*c*) The Railway leased out the borrowpits to an individual who was ordered to keep them free of weeds and jungle.

(*d*) No.

(*e*) The Government are prepared to address them in particular cases.

Head mistries in the Ahsanullah School of Engineering, Dacca.

74. Maulvi ABDUL GHANI CHOWDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state how far the proposals for increasing the pay of the head mistries of the Ahsanullah School of Engineering, Dacca, have progressed?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A revised scale of pay has been approved but effect cannot be given to it until financial conditions improve.

Village charitable dispensaries.

75. Babu SUK LAL NAG: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any order has been issued by the Government to the District Officers asking them to suspend or withdraw Government grant-in-aid to village charitable dispensaries in their respective districts, where any of the members of the dispensary committees has joined the civil disobedience movement or the Congress activities?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the names of dispensaries upon which such orders have been issued?

(*c*) Will the Hon'ble Minister be pleased to state whether the members of village dispensary committees are nominated by Government and approved by the district boards?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) No such orders have issued.

(*b*) Does not arise.

(*c*) No. District boards are responsible for the appointment of the managing committees of village dispensaries.

Retired Government servants in the Court of Wards Department.

76. Maulvi ABOUL CHANI CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that a good number of retired Government servants are at present in the employ of the various Court of Wards' estates in Bengal?

(*b*) Will the Hon'ble Member be pleased to state the actual number of such officers?

(*c*) Is the Hon'ble Member aware that young men with experience are available for these employments?

(*d*) If the answer to (*c*) is in the affirmative, what are the special reasons, if any, for employing these aged men who have retired from Government service?

(*e*) Are the Government considering the desirability of replacing these retired Government servants by available educated and experienced young men?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) There are 7 such officers out of a total number of 66 managers, assistant managers and circle superintendents on a pay of Rs. 100 or more.

(*c*) Applications are received from young men but they are generally without experience.

(*d*) When retired officers are appointed it is because they have acquired long experience of revenue and settlement work and their probity and tact has been thoroughly tested.

(*e*) It is the policy of the Court of Wards to replace retired officers gradually by younger men.

Muslim assistant and sub-assistant surgeons in the Mitford Hospital, Dacca.

77. Maulvi ABDUL GHANI CHOWDHURY: Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the majority of the population of Dacca are Muhammadans;

(*ii*) that the Muhammadans are in a great majority amongst the patients attending the outdoor dispensaries of the Mitford Hospital, Dacca;

(*iii*) that only very recently one Muhammadan assistant surgeon has been placed in charge of the outdoor dispensary; and

(*iv*) that no sub-assistant surgeon has up to this time been posted there?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) Yes.

(*ii*) There were 30,822 Muhammadans out of a total of 53,739 outdoor patients.

(*iii*) Yes.

(*iv*) No. There have always been sub-assistant surgeons attached to the Mitford Hospital.

GOVERNMENT BILL.

The Bengal Municipal Bill, 1932.

[The discussion on the Bengal Municipal Bill, 1932, was then resumed.]

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that after clause 97 (*I*) (*xxxic*) the following be added, namely:—

"(*xxxid*) with the sanction of the Local Government in granting of subsidy to railways, tramways, motor bus services and organisations for the supply of electricity or gas;

"(*xxxie*) with the sanction of the Local Government and subject to such terms and conditions as may be enforced by it in promoting companies for the supply of electricity and gas for railways, tramways and other companies of public utility;

"(*xxxif*) in payment of contributions to recognised associations of municipalities organised for the common benefit of municipalities and in payment of travelling allowances of representatives of municipalities sent to attend meetings organised by such associations in accordance with rules that may be framed in that behalf by the Local Government."

Granting of subsidy to railways, tramways, motor bus services, companies for the supply of electricity or gas subject to Government's sanction should be allowed. With the sanction of the Local Government, municipal funds should also be utilised in promoting companies for the supply of electricity, gas, railways, tramways and other companies of public utility.

Municipal funds should also be allowed to be utilised in payment of contributions to associations of municipalities organised for the common benefit of municipalities and in payment of travelling allowances of representatives of municipalities to attend meetings organised by such associations.

Such travelling allowance must be subject to rules framed by the Local Government.

Babu SATYENDRA NATH ROY: Sir, I beg to move that the word "and" at the end of clause 97 (*1*) (*xxxic*) be omitted, and the following be added, namely:—

"(*xxxid*) with the sanction of the Local Government in granting of subsidy to railways, tramways, motor bus services and organisations for the supply of electricity or gas;

"(*xxxie*) with the sanction of the Local Government and subject to such terms and conditions as may be enforced by it in promoting companies for the supply of electricity and gas for railways, tramways and others companies of public utility; and".

Sir, these are objects which come legitimately under the head of betterment of communications within municipalities and also for lighting purposes by electricity or gas. I understand many of the district boards and municipalities guarantee the payment of a minimum rate of interest to many light railways, *e.g.*, the Howrah-Amta Railway, the Howrah-Sheakhala Railway, the Baraset-Basirhat Railway.

As regards the second part of my amendment, there is absolutely no chance of the money being squandered away because it will be subject

to the sanction of the Local Government and subject to such terms and conditions as may be enforced by it in providing such companies.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that the word "and" after clause 97 (*1*) (*xxxic*) be omitted, and after that clause, the following be inserted, namely:—

"(*xxxid*) the presentation of addresses to persons of distinction; and".

Sir, my idea is that there are in Bengal outside Calcutta quite a number of municipalities which would like to present an address when any gentleman or official of distinction happens to pay a visit to that municipality. During the last 10 or 15 years we have found that Indian non-official gentlemen when they happened to visit certain municipalities they received attention and were presented with addresses. At the present moment, Sir, some of my friends may be aware that two illustrious countrymen of ours, namely, the Mayor of Calcutta, Dr. B. C. Roy, and our esteemed townsman, Sir Nilratan Sircar, happen to be visiting Madras and are going to be presented with addresses. I do not find any reason why on similar occasions this should not take place in Bengal. When the late Pandit Motilal Nehru visited some of the municipalities in Bengal, the municipalities were particularly anxious to present addresses to a distinguished man like him. But, unfortunately, the municipalities could not do so. Similarly, if the Governor passes through a particular municipality and if the municipality wants to present him with an address, I do not find any reason why there should not be a provision enabling the municipality to do so. I make no distinction between officials and non-officials —between Nehrus and Sircars. If any municipality is so inclined to present an address to a distinguished person passing through its jurisdiction, there should be a provision to enable it to do so. I therefore think that this provision should be inserted in the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, there are three amendments before the House. The first part of Rai Mahasai's amendment proposes that municipalities should be enabled to grant subsidy to railways, tramways, motor buses, etc., and the second portion of the amendment is that "with the sanction of the Local Government and subject to such terms and conditions as may be enforced by it in promoting companies for the supply of electricity and gas for railways." The third part provides for the payment of contributions to recognised associations of municipalities organised for the common benefit of municipalities and for payment of travelling allowances to representatives of municipalities to promote the interests of the municipalities. The second amendment of Babu Satyendra Nath Roy only

covers the first two portions of Rai Mahasai's amendment. Then, there is the amendment of Rai Bahadur Dr. Haridhan Dutt regarding addresses.

Sir, about the first two amendments, I do not think it is desirable that a municipality should be given power to subsidise companies; its effect on the municipal finances may be absolutely disastrous. There is no such provision even in the Calcutta Municipal Act and I do not think it will be desirable to go beyond that Act. Perhaps, you all know very well how slender are the resources of these municipalities and if they are allowed to squander money on speculations—because there will be some element of speculation—there is a serious risk of municipal finances coming to a collapse and its effect on the city services and town services would be simply disastrous. In this view of the matter, Government cannot accept these two amendments.

As regards the amendment of Rai Mahasai to pay contributions to recognised associations of municipalities for their common benefit, there are many things which may be done on that ground. The revenue of the municipality is meant for the benefit of the ratepayers and not meant for the benefit of the people who are for the time being in charge of municipal finances, and if this power be introduced it is bound to be abused and for the time being the municipal commissioners will use the municipal finances in furtherance of their own political ambitions and other ends. Therefore it will be very undesirable to have a provision of this sort.

Rai Bahadur Dr. Haridhan Dutt's amendment is that there should be a provision for the presentation of addresses to distinguished persons. He has referred to the recent proposal of the Madras Corporation to present an address to Dr. Sir Nilratan Sircar and Dr. B. C. Roy. Sir, Government make no distinction between officials and non-officials and they realise that the days of officials are over and the days of non-officials are coming and they are prepared to adapt themselves to the changed circumstances.

4 p.m.

Here also I request the hon'ble members to remember that we are not legislating for bodies like the Calcutta Corporation or the Madras Corporation or the Bombay Corporation but for municipalities like Garulia, Kankinara, Bhatpara, etc., that is to say for the *mufassal* municipalities, and it is highly undesirable that we should put temptation in the ways of the commissioners to waste public money on addresses. It is a luxury, which a body like the Calcutta Corporation of which my hon'ble friend was till lately a distinguished member, can afford and not the *mufassal* municipalities. On this ground I oppose this too. There is no provision in the present Municipal Act and Government find no justification for inserting this clause.

Mr. PRESIDENT: I would like to divide Munindra Deb Rai Mahasai's amendment into two parts because the decision with regard to the first two parts will govern Babu Satyendra Nath Roy's amendment. I will put the third part separately. After that I will put the amendment of Rai Dr. Haridhan Dutt Bahadur.

The following motion was then put and lost:—

"That after clause 97 (*1*) (*xxxic*) the following be added, namely:—

'(*xxxid*) with the sanction of the Local Government in granting of subsidy to railways, tramways, motor bus services and organisations for the supply of electricity or gas;

'(*xxxie*) with the sanction of the Local Government and subject to such terms and conditions as may be enforced by it in promoting companies for the supply of electricity and gas for railways, tramways and other companies of public utility'."

The motion of Babu Satyendra Nath Roy therefore failed.

The following motion was then put and lost:—

"That after clause 97 (*1*) (*xxxic*) the following be added, namely:—

* * * * * * *

"(*xxxif*) in payment of contributions to recognised associations of municipalities organised for the common benefit of municipalities and in payment of travelling allowances of representatives of municipalities sent to attend meetings organised by such associations in accordance with rules that may be framed in that behalf by the Local Government."

The motion of Rai Dr. Haridhan Dutt Bahadur was then put and lost.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I have your permission to move my amendment?

Mr. PRESIDENT: Yes.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move that after sub-clause (2) of clause 97 the following be inserted, namely:—

"(3) Nothing in this section shall affect any obligation of the commissioners arising from a trust legally imposed upon or accepted by them."

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 97, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clauses 98 to 100.

Mr. PRESIDENT: The question is that clauses 98 to 100 stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: I am to inform the House that necessary sanction has been received from the Governor General in regard to motions No. 1013 to 1019. He has refused to accord sanction for the moving of amendments No. 1230 to 1235. Motion No. 1259 and 1260 have met with the same fate, but he has given permission to move the rest. For the present we will get back to motions 1013 to 1019.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government is prepared to accept motion No. 1013. I hope the House will also accept my motion No. 1019.

The following motions were then put and agreed to:—

New clauses 90A to 90C.

That after clause 90 the following be inserted, namely:—

"*Abandonment of acquisition.*

90A. (1) In any case in which the commissioners propose to acquire any land for the recoupment of the cost of carrying out any of the purposes of this Act, the owner of the land or any person having an interest therein greater than a lease for years having seven years to run may make an application to the commissioners requesting that the acquisition of the land be abandoned in consideration of the payment by such person of a fee to be fixed by the commissioners in that behalf. **Abandonment of acquisition in consideration of special payment.**

(2) The commissioners shall admit every such application if it reaches them before the time fixed by the Collector under section 9 of the Land Acquisition Act, 1894, for making claims in reference to the land: **1 of 1894.**

Provided that unless the application is made by all persons who have an interest in the land greater than a lease for years having seven years to run, the application shall not be deemed to be admitted unless the person applying undertakes to pay in one instalment the full fee payable under sub-section (3) and thereafter pays such fee.

Explanation.—A mortgagee shall not be deemed to be a person having an interest in the land greater than a lease for years having seven years to run.

(*3*) If the commissioners decide to admit any such application they shall forthwith inform the Collector, and the Collector shall thereupon stay proceedings for the acquisition of the land for such period as the commissioners may request, and the commissioners shall proceed to fix a fee in consideration of which the acquisition of the land may be abandoned.

(*4*) In fixing the fee to be paid in consideration of the abandonment of the acquisition of the land, the commissioners shall, so far as to them appear to be practicable, fix a sum which in their opinion represents two-thirds of the increment in the value of the land which will in their opinion accrue to that land as a result of the improvements effected in the locality by the scheme for the purposes of which the acquisition has been sanctioned.

(*5*) Such fee shall be and remain a charge on the land, in respect of which it has been fixed, until the repayment thereof with interest in the manner hereinafter provided and shall be payable by the applicant on or before a date to be fixed by the commissioners in this behalf; and such date shall not be less than four years from the publication of the
94. notification under section 6 of the Land Acquisition Act, 1894, nor shall such date be a date before that on which the scheme is declared by the commissioners to be completed in so far as it affects such land.

(*6*) Before the date so fixed, the person from whom the commissioners have arranged to accept the said fee, may, if the commissioners are satisfied that the security offered by him is sufficient, execute an agreement with the commissioners either—

(*i*) to leave the said fee outstanding as a charge on his interest in the land subject to the payment in perpetuity of interest at a rate not exceeding seven per cent. per annum, the said interest to run from the date fixed under sub-section (*5*), or

(*ii*) to pay the said fee by such number of equal yearly or half yearly instalments of principal or of principal and interest, as may be approved by the commissioners, interest in both cases being calculated at a rate not exceeding seven per cent. per annum on the amount outstanding.

(*7*) When the said fee has been paid on or before the date fixed under sub-section (*5*), or when an agreement has been executed in pursuance of sub-section (*6*) in respect of any land, the proceedings for the acquisition of land shall be deemed to be abandoned.

(*8*) If the said fee be not paid on or before the date fixed under sub-section (*5*), the Collector shall then proceed to acquire the land

(*9*) If any sum payable under an agreement executed in pursuance of sub-section (*6*) be not paid on the date on which it is due, or on such later date as the commissioners may in their discretion fix in this behalf, so much of the fee fixed by the commissioners under sub-section (*3*), as is still unpaid, shall be payable on that date in addition to the said sum.

(*10*) At any time after an agreement has been executed in pursuance of clause (*i*) of sub-section (*6*) any person may pay off the balance outstanding of the charge created thereby, with interest due, if any, at a rate not exceeding seven per cent. per annum, up to the date of such payment "

Recovery of money payable in pursuance of section 90 A.

"90B. When an agreement has been executed by any person in pursuance of sub-section (*6*) of section 90A in respect of any land, and any money payable in pursuance of that section is not duly paid, the same shall be recoverable by the commissioners (together with interest up to the date of realization, at a rate not exceeding seven per cent. per annum), under the provisions of this Act;

and, if not so recovered, the commissioners may, after giving public notice of their intention to do so, and not less than one month after the publication of such notice, sell the interest of the said person or successor in such land by public auction, and may deduct the said money and the expenses of the sale from the proceeds of the sale, and shall pay the balance (if any) to the defaulter.

Agreement or payment under section 90 A not to bar acquisition under a fresh declaration.

90C. If any land in respect of which an agreement has been executed, or a payment has been accepted in pursuance of sub-section (*6*) of section 90A be subsequently required for any of the purposes of this Act, the agreement or payment shall not be deemed to prevent the acquisition of the land in pursuance of a fresh declaration published under section 6 of the Land Acquisition Act, 1894."

Mr. PRESIDENT: The question is that new clauses 90A to 90C stand part of the Bill.

The motion was put and agreed to.

Clause 101.

Mr. PRESIDENT: The question is that clause 101 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 101 (*1*) in line 2, for the words "to be held" the words "specially convened for the purpose" be substituted.

I formally move it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Government accept it.

The motion of Munindra Deb Rai Mahasai was put and agreed to.

Babu SATYENDRA NATH ROY: I beg to move that in clause 101 (*1*), in line 2, for the word "three" the word "two" be substituted.

In the present Act the time for the presentation of the budget is two months before the last day of the financial year. It is now proposed to make it three months before the close of the year, *i.e.*, from the end of January to the end of December. We all know that the last few days of December are holidays, so on the actuals of eight months we shall have to prepare the budget. The Hon'ble Minister is aware that municipal funds are realised by quarters, so the third quarters' figures will not be forthcoming. It will, therefore, be difficult to prepare the budget. In the Calcutta Corporation the budget has got to be placed before a meeting not later than the 10th of February and in the Council the provincial budget is presented in February. In these circumstances considering that in the present Act it is two months I hope the Hon'ble Minister will accept my amendment and make it two months because it will be more convenient as a proper estimate of the actuals and the forthcoming receipts will be available then.

Mr. H. P. V. TOWNEND: I rise to oppose this amendment. The two months proposed would be too short a time for the preparation of the budget except in the very best organised of the municipalities. It may not be known to many of the members of this House that under the present system budgets of many of the municipalities are sometimes not prepared till late in the year to which they refer. It is very unsatisfactory if the budget cannot be passed before the financial year begins. In some municipalities both the budget and the revised budget are passed months after the year has started. Two months is not too long a period for the preparation of the budget.

The motion of Babu Satyendra Nath Roy was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 101 (*1*), in lines 3 to 6, the words "a complete account of the actual and expected receipts and expenditure for that year together with" be omitted.

It is not practicable to give a complete account of the actual and expected receipts and expenditure of a year three months before the close of the year.

Section 102 lays down that a revised budget shall be prepared after 1st October. That revised budget must include the actual and expected receipts and expenditure. Then why again another account is to be

placed within December? The next year's budget is to be taken up at the time so it would not be possible nor is it necessary to have an account within one or two months of the revised budget.

Mr. H. P. V. TOWNEND: Dr. Ghose has suggested that the provision in the Bill is absurd because the actuals of a year are not available until the year is finished. The word "actuals" is used here in its ordinary sense: actuals of the year are the actual payments or the actual receipts up to the moment that has been reached during the year. It is quite unnecessary to put in any definition explaining the word "actuals" because it is ordinary technical word. The wording as it stands is quite satisfactory.

The motion of Dr. Amulya Ratan Ghose was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 101 (2), in line 4, the word "special" be omitted.

The expression "special resolution" has nowhere been defined and no special procedure has been prescribed for having a "special resolution". The word "special" has therefore no meaning here. Redundant words should not find place in a statute. In the Companies Act the expression "special resolution" is used but there it has been given a special meaning and a special procedure prescribed for passing such resolution. It would be better to say that the resolution will be passed at a special meeting.

Mr. H. P. V. TOWNEND: To save time of the House may I say that the Government is prepared to accept this in view of the acceptance of the previous amendment.

The motion of Munindra Deb Rai Mahasai was put and agreed to.

Mr. PRESIDENT: The question is that clause 101, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 102.

Mr. PRESIDENT: The question is that clause 102 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 102, in line 2, for the words "shall be framed" the words "may be framed, if necessary" be substituted.

The preparation of the revised budget should not be made imperative. It may not be necessary to revise the budget at all. The preparation

of the budget is a huge task and means a good deal of expenditure. If the budget needs revision it must be done. If it does not, this may not be made compulsory. The word "shall" may, therefore, be changed to "may".

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. It should be obligatory and not discretionary as my friend seems to suggest. It may be a huge task but that huge task has got to be performed. So I oppose this amendment.

The motion of Munindra Deb Rai Mahasai was put and lost.

4-20 p.m.

Mr. PRESIDENT: The question is that clause 102 stand part of the Bill.

The motion was put and agreed to.

Babu KHETTER MOHAN RAY: Sir, I beg to move that after clause 102 the following be inserted, namely:—

"102A. During the financial year for which the annual budget estimate has been framed as provided in section 101, the commissioners at a meeting may at any time frame a supplementary budget estimate of expenditure of any revenue derived or likely to be derived, in excess of the receipts under any heads provided in the annual budget, or from any other source, subject to all the provisions applicable to a budget made under section 101."

My reasons are these: There may be many cases when it may be necessary to provide for extra closing balance and also for any excess revenue likely to be derived from any of the heads, as also for moneys received by way of gifts not provided in the annual budget. For all these reasons, therefore, I think that there should be a provision for a supplementary budget. With these words I commend my motion to the acceptance of the House.

Mr. H. P. V. TOWNEND: Sir, I would suggest that this amendment is quite unnecessary in view of the decision to retain the provision for a revised budget. Also it is not necessary to frame a supplementary budget as soon as any excess revenue has come in: a municipality need not spend any windfall immediately it is received. If such money is allowed to accumulate till the end of the year, no harm is done. But if the municipality for any reason has to spend it, there is always the revised budget, at which time provision can be made for extra expenditure.

The motion of Babu Khetter Mohan Ray was put and lost.

Clause 103.

Mr. PRESIDENT: The question is that clause 103 stand part of the Bill.

The motion was put and agreed to.

Clause 104.

Mr. PRESIDENT: The question is that clause 104 stand part of the Bill.

Babu KHETTER MOHAN RAY: I propose that clause 104 be omitted.

Clause 103 is quite sufficient for the purpose for which clause 104 is wanted. It says that the commissioners shall provide for the maintenance of such minimum closing balance (if any) as the Local Government may, by order, prescribe, for the service of municipal loans and for carrying out any duty or obligation specifically imposed upon them under this Act or any other enactment. Therefore, Sir, in view of this provision in clause 103 as also the provision in clause 96 I do not think that the Local Government should have power in case of indebtedness of a municipality to order that its budget should be subject to the sanction of the Local Government. There is also the provision in clause 96 that the commissioners shall set apart and apply annually out of the municipal funds such sum as may be required for the repayment of, and the payment of interest on, any loan incurred under the provisions of the Local Authorities Loans Act, 1914. So, Sir, it is obligatory on the municipality to provide for interest on loans and under clause 103 the municipality must provide for the maintenance of such minimum closing balance as the Local Government may prescribe for the service of loans. Consequently, Sir, to make the budget subject to the sanction of the Local Government is quite unnecessary and this clause should be omitted altogether.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support the motion for the reasons already given by my friend and for the further reason that for a contingency like this, namely, where the financial condition of a municipality is unsatisfactory and it may be desirable in the first place to ensure that the services of loans and that other essential services are provided for, so that the municipality may not run further into insolvency, for such a contingency, apart from the provisions of clauses 103 and 96, clause 535 gives ample security; that is, if the Local Government finds that the financial administration of the municipality is extremely unsatisfactory the proper remedy is not to have the power of controlling the budget and of supervising it, but to take over the financial administration under the powers which Government has under clause 535. Under that clause Government can take over any

department of a municipality if the municipality has failed to work that department properly. It says that if in the opinion of the Local Government the commissioners have shown their incompetence to perform the duties imposed on them or have been found to have exceeded or abused their powers in respect of any department, the Local Government can take over that department. For these reasons if the financial administration of a municipality is so very unsatisfactory as to bring it under this clause, the proper thing for Government to do would be to take over the financial administration and appoint an officer to do the work. Clause 104 on the other hand is not so drastic. But it says "that if in the opinion of the Local Government, the condition of indebtedness of any municipality is such as to make the control of Government over its budget desirable... .....". This is a very vague expression. A municipality may be indebted, but it may not be insolvent. If it had been said that the municipality was practically insolvent, I could have understood. If it was said that the indebtedness of the municipality was of a particular description, I could have understood. But the whole thing is left to the Local Government. It has only to say that you are indebted and that your condition is such that the budget should be revised by us. I do not think the Local Government should have that power. They can only say that they will take action against the municipality under clause 535. Therefore I submit that this clause 104 is wholly unnecessary.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, under section 76 of the Bengal Municipal Act the budget of every municipality has got to be submitted to the Divisional Commissioner. If there is anything wrong he may change it or can return it to the municipality for putting it right. This Bill provides a great relaxation of Government control in this respect. I should ask the hon'ble members of this House to read carefully the language of the Bill clause: "where in the opinion of the Local Government, the condition of indebtedness is such as to make the control of Government over its budget desirable, the Local Government may by order, etc., etc."

Sir, Government will not ask the municipality to submit its budget only for the mere fun of interference; unless and until they are satisfied that the finances of the municipality are going wrong, I do not think Government will intervene. Moreover, as I pointed out, Sir, it is a great advance on the existing provision of section 76 under which every municipality, whether indebted or not, must submit its budget to the Commissioner and the Commissioner may change or alter it and return it to the municipality for changing or altering it. This financial control of Local Government is absolutely necessary not in the interest of Government but in the interest of the municipalities themselves. Sir, Dr. Sen Gupta would wait till the finances of the municipality became absolutely hopeless and he would not interfere till then but

would only ask Government to exercise power under clause 535 of the Bill, namely, to take over a particular department and put it right. Sir, that is an extreme case. It is public money which is spent by the municipality and if Government find that the finances of a particular municipality are not in a good condition, it is the duty of the Local Government to intervene in time and not wait till things become absolutely hopeless. Sir, my friend, Dr. Sen Gupta, has got a great distrust of the Local Government. But I may remind him that the Local Government which is going to exercise the powers under this Act is not the Local Government of which he has so much mistrust, but the Local Government under an autonomous constitution. The Local Government under the new constitution means a Minister responsible to the House and to the public outside through the representatives of the people in this House. So I do not see any room for this mistrust. It is a very salutary provision which should be retained. Government's power is reduced considerably and only in special circumstances they may have to intervene in a very bad case, and this reserve power is therefore really in the interest of local bodies. I would ask the hon'ble members including Dr. Sen Gupta to think of the small units of local self-government in the different *mufassal* towns. They are not very rich bodies and they cannot afford to squander money and make things come to a stand-still. If Government wait till then, perhaps things may reach a stage when they would be beyond redemption. It is for this that timely intervention is necessary. Therefore I oppose this amendment.

Dr. AMULYA RATAN CHOSE: Sir, I rise to support the amendment. While doing so I will just say a few words in reply to what has fallen from the Hon'ble Minister. The Hon'ble Minister has pointed out that it is absolutely necessary to retain this clause 104 not so much in the interest of the Government as in that of the municipalities and ratepayers. Sir, I say that this clause is absolutely redundant and superfluous. In every municipality a budget cannot be passed without it being placed before a meeting of the commissioners, and the proceedings of every meeting have got to be sent through the Magistrate to the Divisional Commissioner. He not only gets the proceedings of every meeting but he also sees the reports in which among other things the financial transactions are shown and when the reports come before the proper authorities they will have ample chance to see how things are going on in the municipality, and there is no necessity of any apprehension that the Local Government will be unaware of the things that are going on in the municipalities and that they will find one fine morning that a certain municipality is involved in debt. This submission of revised estimate of the budget of the municipality is a very peculiar thing that we have heard this afternoon.

Sir, as regards the future Government, much hope is given by the Hon'ble Minister, but it is said that coming events cast their shadows before, and with the communal award before us, we know what things are in store for us in the future. With these few words I support the amendment.

Mr. H. P. V. TOWNEND: Sir, I do not think any reply is necessary to what Dr. Ghose has said.

The motion that clause 104 be omitted was then put and lost.

Mr. PRESIDENT: The question is that clause 104 stand part of the Bill.

The motion was put and agreed to.

[At 4-30 p.m., the Council was adjourned for prayer and it reassembled at 4-40 p.m.]

Clause 105.

Mr. PRESIDENT: The question is that clause 105 stand part of the Bill.

The motion was put and agreed to.

Clause 106.

Mr. PRESIDENT: The question is that clause 106 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that for clause 106 the following be substituted, namely:—

"106. The municipality shall submit to the Local Government plans and estimates of all work estimated to cost more than ten thousand rupees before such estimate is finally accepted; and the Local Government may within thirty days from receipt of such estimate send to the chairman such comments and criticisms of the project or the estimates as it thinks fit. Where any such comment or criticism is made by the Local Government the commissioners at a meeting shall consider such comments and criticisms before the plan and the estimates are finally sanctioned. When any work estimated to cost above ten thousand rupees is undertaken by a municipality, the Government may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as it may prescribe."

The clause to which this is an amendment runs thus—

"106. If any work is estimated to cost above ten thousand rupees, the Local Government may require the plans and estimates of such work to be submitted for its approval, or for the approval of any officer of Government before such work is commenced; and may require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as it may prescribe, for its approval, or for the approval of such officer."

But my proposal is that the estimate shall only be submitted to Government before it is finally accepted by the municipality, Government being only asked to give its opinion upon that estimate; the Local Government may, within 30 days from receipt of such estimate, send to the chairman such comments and criticisms of the project or the estimates as it thinks fit. Where any such comment or criticism is made by the Local Government, the commissioners at a meeting shall consider such comments and criticisms before the plan and estimates are finally sanctioned. When any work estimated to cost above Rs. 10,000 is undertaken by a municipality, the Government may also require statements of the progress and completion of such work, with accounts of the expenditure on the same, to be submitted from time to time, in such form as it may prescribe. The only difference between the two, my amendment and the clause as it now stands, lies in this: that in my amendment such an estimate shall be submitted to the Local Government for their criticisms and opinion, but not for their approval. I hope the Hon'ble Minister will not find in this amendment an instance of mistrust of the Local Government, of which he accuses me. Sir, the real position is this: the Hon'ble Minister himself, according to his opening speech, observed that Government wanted to be relieved of all internal control over the municipalities and that the municipalities should be allowed to carry on their own work in their own way without any interference from Government, and that the control which Government would exercise over them would be merely control from without. We have been moving amendments, at any rate I have been moving amendments, which seek to give effect to the principle by which the Local Government's control should be outside control and not control over the details of municipal administration. This does not necessarily imply mistrust of the Local Government and I hope the Hon'ble Minister will not be carried away by this nightmare of mistrust with regard to my amendment. Sir, I want the Hon'ble Minister to shake off the idea (which apparently he cannot get rid of) that he is the Local Government for ever. Some people in office get such ideas in their minds which it is very difficult for them to shake off. I am reminded of the story of a well known judge of England who at a dinner refused to

toast the Queen because he said "I am the Queen". I hope the Hon'ble Minister does not labour under any such misapprehension, and if there is anything in my amendment which is meant to curtail the powers of Local Government in the interest of the principle which he seeks to embody in his Bill, he should not think that it necessarily implies mistrust of the Local Government, and far less of himself. Municipalities should learn to carry on their own work without paternal or maternal assistance from Government. It is quite possible that municipalities may make mistakes or mismanage their affairs, but unless you allow them to make mistakes they will never learn to administer their affairs well. If you constantly keep your eye upon them, and interfere with them at every step they will not develop that sense of responsibility which we all want them to develop. The clause, as it at present stands, embodies a proposal which seeks to interfere with their internal administration, if only because it requires that schemes should be subject to the approval of the Local Government, schemes which involve an expenditure of over Rs. 10,000. Well, Sir, I can understand the good intentions of Government. They are afraid lest the municipality's money should be wasted, and I give them credit for their *bona fides*. Government does not venture to entrust municipalities with this work and always fear that they may waste their money, just as little children are not entrusted with a stick by some parents lest they should do any harm with it. Sir, I want Government to be a little less anxious for the municipalities and allow them to stand on their own legs and make themselves responsible for their mistakes. If Government want to assist them, let them assist from outside; give the municipalities all the advice upon plans of the value of Rs. 10,000, that is necessary, but do not control them by saying that their schemes should all be subject to your approval. I give you all credit for your good intentions. Then again, will mere approval of the Government always set things right? Under the present Municipal Act, Government have a considerable amount of control over the budget estimates of the municipalities and schemes of this character, especially where Government contribute money. I know, Sir, how this rule has been working. I was in Dacca, and Rai Bahadur Keshab Chandra Banerji and the Hon'ble Minister for Education, also know a great deal about it. Government had a great deal of control over projects financed by Government and carried out by the Dacca Municipality, such as for instance certan addition to the water-works scheme for the Dacca Municipality and the sewerage scheme for Dacca. Have they worked out all right? Every one admits that plenty of mistakes have been made in the matter, in spite of Government having taken its share of responsibility. Well, Sir, what I say is this: Let the municipalities make mistakes, let them learn by making mistakes and let Government content itself with the role of mere adviser. That is the principle which has guided me in moving this amendment.

Dr. AMULYA RATAN GHOSE: I beg to support the amendment. As we all know, when a plan or any scheme is submitted to Government for approval, that plan or that scheme comes out after such a length of time and the delay is so great that it oftentimes so happens that that scheme has got to be abandoned. That is my experience and I could mention one scheme in which the commissioners of the Howrah Municipality referred a plan and estimates for central drainage to the Government of Bengal and that scheme, I think, took a considerable length of time, so much so, that the municipality got tired of the delay made by the Government. Sir, red-tapism in the Government departments is well known in this country and this has also been admitted by Government officers. In view of this, it will not be at all conducive to the best interest, either of the ratepayers or of Government to control municipalities in this fashion—that whatever scheme or plan they have to carry out in their municipalities for the interest of the municipalities they will have to submit the same and wait for the approval of Government or any of its trusted officers. Sir, Government is not mistrusted, when there is no ground for mistrust but when there are instances galore, where we have experienced that references to the Government have given rise to cases of mistrust, it is not the people who are to be blamed if they mistrust Government. With these words I support the motion of Dr. Naresh Chandra Sen Gupta.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. Dr. Naresh Chandra Sen Gupta complains that I accuse him of mistrust of Government and that I may do the same thing on this occasion. But I may assure him that I am not going to do so. I consider his remarks or rather his amendments not as giving proof of his mistrust of Government but that they are purely metaphysical, theoretical and imaginary suggestions, of which my friend is so very full and for which he has acquired such a great fame throughout the length and breadth of this province. Dr. Sen Gupta said that I could not shake off the idea that I am not going to be the Government for long or for ever, and he referred me to the case of a particular judge in England who supposed himself to be so much identified with the Queen that he could not propose her toast at a dinner. Perhaps, Sir, that was only compatible with an after-dinner toast; but here we are in full possession of our senses except those who are carried away by their imagination and theories. I am unfortunately a highly practical man and do not dabble in ideas, imagination or theories. I am not of "imagination all compact" as some of my critics are. Sir, this amendment suggests that Government may, within 30 days from receipt of such estimate, send to the chairman such comments and criticisms of the projects or the estimate as they think fit. Where any such comment

or criticism is made by the Local Government the commissioners at a meeting shall consider such comments and criticisms before the plan and estimates are finally sanctioned. These municipalities are, I may repeat, not municipalities with enormous resources which can waste 10,000 rupees on some of their projects. I can quote from this book that the income of many of the municipalities out of 117 is not more than 4,000, 5,000, 6,000 and 10,000 rupees. The limit was Rs. 5,000 before in the existing Act. It has now been increased to Rs. 10,000; *i.e.*, to nearly the whole amount of the receipts of some of these municipalities. Sir, these municipalities cannot have expert officers like the Chief Engineer of the Public Health Department; so when a water-works scheme has got to be framed or put up, they certainly need the assistance of outside experts and it is beyond the resources of such municipalities to undertake such projects without the help and advice of the experts of Government: It is for this reason that Government control has been provided for in the Bill. Dr. Sen Gupta suggests that Government will return these projects with their criticisms thereon. But criticisms for what purpose? Only to provoke counter criticisms. Government is already exposed to sufficient criticisms and they do not want to provoke further criticisms for nothing. Such criticisms will benefit neither the municipalities nor do any good to Government itself. Sir, it is very necessary for Government to see that the money of the ratepayers is not wasted on projects which are defective or on projects which are perhaps beyond the capacity of some of them to finance. They cannot as a matter of fact go on with important projects like the water-works, drainage, etc., without expert advice, and for that expert advice, they must look to Government. So, it has been provided that before the scheme is sanctioned, it should be sent to Government. They have got no objection to sanction a scheme if it is without any defects. Government are always anxious, on the other hand, to help local bodies, district boards and municipalities; they are always anxious to place the services of their experts at the disposal of the local bodies and there is no reason to believe that it is only another method of control which Government want to reserve for themselves and in their own interest. Nothing of the kind. It is only in the interest of local bodies that this clause has been put in. It has been in existence for the last 50 years and it is working very well; but in view of the experience that the local bodies may have picked up in the course of the last several years Government have raised the financial limit from Rs. 5,000 to Rs. 10,000 and I see no reason why it should be altogether deleted from the Act. So, I oppose the amendment of Dr. Naresh Chandra Sen Gupta.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost

5-15 p.m.

MUNINDRA DEB RAI MAHASAI: In view of what the Minister has just said, it is useless to move an amendment like this. However, I beg to move the motion that stands in my name. It runs as follows:—

That in clause 106, in lines 1 and 2, for the words "ten thousand rupees" the following be substituted, namely:—

"twenty-five thousand rupees and in municipalities whose annual income is above three lakhs of rupees, fifty thousand rupees."

This clause, which confers on the Local Government the power to require the plans and estimates of all works estimated to cost above Rs. 10,000 to be submitted to them for approval, is quite unsuitable for big municipalities. In such municipalities a work costing Rs. 10,000 is not such a big work as it is supposed to be in smaller municipalities. For instance, the sinking of a deep tube-well, the extension of an office building or the construction of a building for a primary school may cost above Rs. 10,000 and the necessity of waiting for Government sanction for such small works only means unnecessary delay without any corresponding advantage.

Dr. AMULYA RATAN GHOSE: Mr. President, Sir, I beg to move that in clause 106, in line 1, for the words "ten thousand" the words "twenty-five thousand" be substituted.

Sir, this is a clause which confers on the Local Government power to require municipalities' plans and estimates costing above Rs. 10,000 to be submitted to Government for approval. This is quite unsuitable for big municipalities. In such municipalities a project costing above Rs. 10,000 is not such a big work as it is——

Mr. NARENDRA KUMAR BASU: Sir, we have heard that argument word for word.

Dr. AMULYA RATAN GHOSE: Sir, there are other matters such as the sinking of a tube-well, extension of office buildings or the construction of a primary school or dispensary, etc., which may be necessary for the interest of the ratepayers, and if such projects are to be submitted to Government for approval, it will not be to the convenience of the municipalities. With these few words I commend my motion to the acceptance of the House.

Babu SATYENDRA NATH ROY: Sir, I know very well that Government has raised the limit from Rs. 5,000 to Rs. 10,000. We know, Sir, that there are municipalities having an income of more than Rs. 2 lakhs.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There is only one such municipality.

Babu SATYENDRA NATH ROY: I would ask the Hon'ble Minister to remember that there are five municipalities with an income of over Rs. 2 lakhs—Howrah, Darjeeling, Dacca, Chittagong and Burdwan, and I think that the limit in their cases should be Rs. 25,000 instead of Rs. 10,000.

Mr. H. P. V. TOWNEND: Sir, I rise to oppose these two amendments. My objection is based on exactly the same arguments which the mover has advanced in their favour. The argument seems to be that the sinking of a deep tube-well, the extension of office building or the construction of a primary school may cost Rs. 10,000 and when it costs above Rs. 10,000 Government will demand to see the plans and estimates and there will be delay. If the member will refer to the wording of this clause he will find that it provides that if any work is estimated to cost above Rs. 10,000, the local Government "may require" the plans and estimates of the work to be submitted to it for approval; it does not say that Government "shall require" the submission of every estimate. When will Government require the estimates? Only when there is good reason for such a step. For example, when such a costly work is proposed by a municipality of which the income is very small. My Minister has pointed out that there are many municipalities, the total income of which does not exceed Rs. 10,000 or so, and there are several others the total income of which does not exceed Rs. 20,000. If it were seen that a small municipality with small income proposed an extravagant proposal, Government would certainly see whether such a project was justified and whether the estimates were sound. It might be that somebody was engaged in practically robbing municipal funds. Again there may be municipalities whose reputation is not always good except inside their own boundaries and municipalities which habitually waste their funds. There may also be municipalities of which the commissioners are rent by factions, where the chairman is unable to do his work properly and the vice-chairman in the absence of the chairman is afraid to do the work at all and so everything is disorganised. In such a case it might be necessary, I do not say it will be necessary, to scrutinise with great care the estimates of big works coming up from the municipalities. To accept a limit of, say Rs. 25,000, below which Government could not examine any such plans and estimates, would prevent Government from examining estimates of fifty-five of the municipalities of Bengal. For these reasons I oppose the amendments.

Mr. J. N. GUPTA: I have listened with considerable care to the remarks just made by Mr. Townend, but I do not think his remarks meet the arguments of Mr. Ray. What Mr. Ray says is as the income of different municipalities vary considerably, while some of the municipalities, I think three, have an income above Rs. 2 lakhs; there are others which have only a struggling income of a few thousands and it

will not be fair to impose the same limit in the case of the richer municipalities. This seems to be such an obviously sound proposition that I do not think Government should have any objection in accepting it. Sir, it will save a great deal of waste of time if in the case of larger municipalities the limit above which they will not be able to pass their schemes without reference to Government should be fixed at a higher figure than in the case of the smaller municipalities. I think this is a sound proposition. What Mr. Townend said did not meet the objection against fixing the same limit for all municipalities. All that he says is that because some of the municipalities have neglected their functions and that their officers have not exercised that amount of care—

Mr. H. P. V. TOWNEND: Sir, I did not say that, I said it might so happen.

Mr. J. N. GUPTA: The difference seems to be very little but what I was going to say is that bad management in the past should not be a ground for the statutory limitation of the powers of the larger municipalities. Office-bearers of municipalities may change and the municipalities may do better in the future. So I think Government should not have power to interfere in the case of larger municipalities to the same extent as it may in the case of smaller municipalities; so I support the amendment of Rai Mahasai.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: My friend Mr. Gupta seems wholly to be under a misapprehension. The provision in the Bill proposes a limit of Rs. 10,000; what is the practical effect of this on small municipalities with an income of Rs. 5 or Rs. 10,000; they will not be able to do so because such municipalities cannot be expected to come forward with a project costing Rs. 10,000 because in their case it is not sound. What it means is that Government will be perfectly justified in turning down that proposal, so Rs. 10,000 by itself is not a very small sum and we should not take into account the income of municipalities; it is the ratepayers' money which is the most important factor; whether a municipality can waste more money or not is not so relevant and in the case of small municipalities the estimate will be automatically low because they cannot afford to waste Rs. 10,000 and cannot submit a project costing Rs. 10,000. The limit was originally Rs. 5,000 and that was universal. It has been raised to Rs. 10,000 and I need not repeat that Rs. 10,000 by itself is a sufficient amount. It is the clear duty of Government to see whether a particular project costing Rs. 10,000 is sound or not even if it be submitted by the Howrah Municipality, of which Dr. Ghose is the representative.

The motion of Munindra Deb Rai Mahasai was then put and lost.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. PRESIDENT: The question is that clause 106 stand part of the Bill.

The motion was put and agreed to.

Clause 107.

Mr. PRESIDENT: The question is that clause 107 stand part of the Bill.

The motion was put and agreed to.

Clause 108.

Mr. PRESIDENT: The question is that clause 108 stand part of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 108 (*1*), in line 9, after the words "Secretary of State" the words "for India" be inserted.

The motion was put and agreed to.

Maulvi SYED MAJID BAKSH: Sir, I beg to move that in clause 108 after the words "Secretary of State in Council" or "Secretary of State for India in Council" wherever they occur, the words "or any other person in whom the property of the Government of India shall, in future, be vested" be inserted.

Sir, under the Government of India act, all property of the Government of India vests in the Secretary of State for India in Council. That may not be the case, as under the new constitution, the property may vest in the Viceroy, or the Governor General in Council or the Governor in Council in the provinces. So instead of "the Secretary of State for India," it is better to put "any other person, etc." as it will not be necessary in future to come up for an amendment of this clause when the reforms are introduced.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment, as, for obvious reasons it is not possible to anticipate, in whom the Government of India will vest. It may vest in the Secretary of State in Council, in the Viceroy, or in my friend, Maulvi Syed Majid Baksh. It is a very vague proposal and I therefore oppose it.

The motion of Maulvi Syed Majid Baksh was then put and lost.

Mr. PRESIDENT: The question is that clause 108, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Mr. S. M. BOSE: Sir, may I rise on a point of order? I submit that under clause 96 (*d*) we have disposed of the matter raised now in connection with amendment No. 1062 which was lost.

Mr. PRESIDENT: I do not think so. Clause 109 (*3*) says that the Local Government may direct that the whole or any portion of the cost of audit as determined by it shall be paid from the municipal fund within such time as it may fix. Although the principle involved in the two amendments is the same, they are slightly different as the former amendment specifically mentions something whereas the latter does not do so.

Clause 109.

Mr. PRESIDENT: The question is that clause 109 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to move that clause 109 (*3*) be omitted.

(He was inaudible at the Reporters' tables.)

5-35 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I think by accepting the clause 96 (*d*) the House has already committed itself to the principle that Government may ask the municipalities to set apart such sum as they may direct towards the cost of audit. The principle has already been accepted, but the only difference between the two is within such time as the Government may fix. That is the only difference. I may repeat what I said on the last occasion that so far as this Government is concerned it is not going to ask from the municipality the cost of audit. It will stick to what it has been doing since 1907 but it does not want to bind the future Government and it is only for that reason that we have put in the clause which is before the House and I hope the House will accept it.

Babu SATYENDRA NATH ROY: I beg to point out that the two clauses as pointed out by the Hon'ble Minister are not the same.

Mr. PRESIDENT: There is no dispute about that.

Babu SATYENDRA NATH ROY: Government may direct that a particular sum should be set apart for the purpose of audit. But in the present clause Government want that the municipal accounts should be audited by the Government auditor and that the Local Government may direct payment of the cost of that audit within a certain time. So there is, I think, a distinction. Under the circumstance I support the amendment.

Dr. AMULYA RATAN GHOSE: I rise to support the amendment of Babu Kishori Mohan Chaudhuri. The Hon'ble Minister has given us to understand that the present Local Government will not charge any cost for audit—this is so far as the present Government is concerned. But I do not think that the future Government should be bound by this. The future Government may at their pleasure change the provision made in this Act. If the assurance of the Government be an honest one then I do not understand why the Government should be so much insistent on retaining this clause?

As regards clause 96, there is a bit of difference about the salary of the auditor and there is nothing so explicitly mentioned that the salary of the auditor only will be charged. I do not think Government auditor ought to be paid by the municipality for the work that is done under the direction of Government. Therefore I support the motion.

Mr. H. P. V. TOWNEND: I do not know if it is necessary to say anything in reply to the arguments put forward by Mr. Satyendra Nath Roy. I am sorry I could not hear him very well, but I gather that the difference between this clause and clause 96 is that according to this clause the Local Government may direct payment of a sum to the Local Government itself. There is nothing like that in this clause however. (Babu SATYENDRA NATH ROY: I protest against this.) That is what I understood Mr. Roy to be saying.

As regards the argument of Dr. Ghose, he has repeated the same argument which he has used before and which this House rejected on a previous occasion. He made a remark that the future Government may not adhere to the pledge that the Hon'ble Minister has given. But it is precisely for the reason that a future Government might wish to charge for the audit, that this clause is being inserted in this Bill. Therefore Dr. Ghose's remark is not to the point.

Lastly he argues that this clause introduces the pernicious principle that a municipality should pay for work done on its behalf. When this House considered the matter on a previous occasion with reference to clause 96 (*d*) they approved the principle that the cost of audit should be payable from the municipal fund. Dr. Ghose assures that this did not include the cost of the auditors' salary. What then did it include? Presumably he would have the municipality pay only the cost of the paper, ink and pens used by the auditor! What other cost would there be? In effect the cost of audit is nothing but the cost of the salary of the auditor—except for some very small items as contingencies.

Dr. AMULYA RATAN GHOSE: On a point of personal explanation. I did not mean that the auditor should not be paid but that he should be paid by the Government and not by the municipality.

The motion of Babu Kishori Mohan Chaudhuri was then put and lost.

Mr. S. M. BOSE: I beg to move that in clause 109 (3) in lines 1 and 2, for the words "the whole or any portion" the words "any portion, not exceeding fifty per cent." be substituted.

We have already passed section 96 (*d*) by which the municipalities have to pay such sums as the Local Government may direct towards the cost of audit and in this section 109 (3) it is laid down that the Local Government may direct that the whole or any portion of the cost of audit shall be paid. Government have already stated that though they are under no legal obligation to do so, they have been and will continue bearing the whole cost of audit. But this clause 109 (3) *may* saddle the municipality with the whole of such cost. What I object to is that there should be any statutory obligation that the municipalities will have to pay the whole cost. The other day, when we were dealing with clause 96 (*d*), strong opinion was expressed that there should be a statutory obligation on the Government to continue the present practice. My amendment proposes a sort of compromise between these extreme views. I want to have it laid down that the Local Government can ask a municipality to pay for the cost of the audit but not for the whole cost —only up to 50 per cent. May I say that the Hon'ble Minister, when he was not Hon'ble Mr. Singh Roy, when the Bengal Rural Primary Education Bill was before us last year, had exactly a similar amendment in which he suggested that the Government should not be allowed to ask the local bodies to pay more than half the cost of audit? I have taken exactly his ideas and I hope that now that he is in office he will have no reason to depart from his own opinion.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have changed my views—but this is the result of the experience I have gained during the last few years. I oppose this amendment. As I said Government is not going to charge any cost of audit; they stick to the principle which has been followed since 1907. There is no reason why this statutory power should be limited to 50 per cent.

I think Dr. Ghose has got the same distrust of Government as some of my friends here.

Mr. S. M. BOSE: You had this distrust once.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, I had, but it is changed now.

The motion of Mr. S. M. Bose was then put and lost.

Mr. PRESIDENT: The question is that clause 109 stand part of the Bill.

The motion was put and agreed to.

Clause 110.

Mr. PRESIDENT: The question is that clause 110 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that clause 110 (*a*) be omitted.

This clause confers on the Local Government wide rule-making powers. Such rules will have the force of law. The Government is no doubt entitled to require returns, statements and reports. They may ask the commissioners to keep their accounts and prepare their budgets in proper forms or ask them to provide for adequate working and closing balances but the powers proposed to be given seem to be too wide specially in sub-clauses (*a*), (*c*) and (*g*). In the Act the objects for which municipal funds can be utilised has been specified. It lays down the penalty for going beyond the Act. May I ask, Sir, why should the Government have further powers to make rules to regulate the expenditure? The commissioners should have full power within the provisions of clauses 96 and 97 of the Bill, to deal with municipal money provided they retain adequate working and closing balances and keep themselves within the budget provisions.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I rise on a point of order? Can the hon'ble member read out a printed speech which is already a public property?

Mr. PRESIDENT: Was that printed?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, Sir.

Dr. AMULYA RATAN GHOSE: It might have been printed but how can it be public property? What is the meaning of public property?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: He is reading out from the proceedings of the All-Bengal Municipal Conference; the whole thing appears here and he is simply reading it out.

Mr. PRESIDENT: I am sure the Rai Mahasai will be able to refute the charge.

MUNINDRA DEB RAI MAHASAI: I adopt it as part of my argument and I am using my own language.

Mr. PRESIDENT: Are you the father of the speech you are now delivering, or is it your child by adoption? (Laughter.)

MUNINDRA DEB RAI MAHASAI: I just took some points from that. It should also be left to the commissioners to determine how payments are to be made. If rules are necessary, the commissioners may be required to frame rules for such purposes subject to Government sanction. But it should not be left absolutely in the hands of Government.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. It is very necessary that such rule-making powers should have a common standard for all municipalities. We must not forget that we are legislating for 117 municipalities and if each and every municipality begins to frame rules for itself it would be a hopeless mess, especially for the purpose of audit. So I think there should be a common standard.

Mr. NARENDRA KUMAR BASU: I would like to support this amendment. The Hon'ble Minister himself has said that if each municipality were to make rules for itself there will be a hopeless mess, but the clause which it is proposed to omit is simply to regulate the application of the municipal fund to the purposes to which it is applicable. I submit that as the purposes have been all detailed in clauses 96 and 97 very little, in fact nothing, is left to regulate. If a particular municipality spends its money on any purpose other than those mentioned in sections 96 and 97 then it can be stopped by the other provisions. If a municipality wastes its funds and misapplies its funds to purposes other than in 96 and 97 then it will be possible for the Local Government to check it under the provisions in the last chapter, but I do not see any reason why the Local Government must make rules for regulating the purpose under sections 96 and 97 for which the municipal fund shall be spent. Under section 101 every budget of a municipality shall have to be submitted to the Local Government and if the budget shows——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: That is not it. That was the law before it was changed, now only in the case of an indebted municipality it is to be done.

Mr. NARENDRA KUMAR BASU: I submit that only strengthens my case. If the budget is not to be submitted to Government then what is given with the right hand is taken away with the left. If the budget is not to be submitted to the Local Government, the municipalities will not be under the control of the Local Government while preparing their estimates of expenditure but as a result of this rule they will act the part of an adoptive father. Section 101 does not require any interference from the Local Government. I, therefore, think that clause 110 (*a*) is untenable.

Dr. NARESH CHANDRA SEN GUPTA: As we have often seen, the Hon'ble Minister's arguments in support of this clause fall very short of the proposition which he is out to support. I do not know whether he has appreciated the full significance of the clause which he is out to support.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Not at all.

Dr. NARESH CHANDRA SEN GUPTA: The clause gives power to Government to regulate "the application of municipal funds to the purposes to which it is applicable." Under the rule-making powers the Government have power to say "you shall spend this money in this way or in that way, so much for this and so much for that." I do not like to go at any length into the details of the principle of this clause. The application of the money may be regulated by rules, that is to say, Government shall have the power under this clause to make rules which may go so far as to say that out of the total amount at the disposal of the commissioners this percentage shall be set apart for the officers and so much for conservancy, so much for that other thing and they might go into further details as well. In other words there will be hardly any necessity for the commissioners to frame a budget. The budget would be there ready-made. Nevertheless we are assured that, the commissioners are given full liberty to control their budget in their own way without interference from Government. This is liberty indeed. It is just like tying a man hand and foot and then giving him freedom to walk.

Mr. H. P. V. TOWNEND: I might explain to the last two speakers that no rules can be framed by Government that are inconsistent with the principles of an Act and if Government tried to frame any rule which goes against the principles of the Bill it could not be upheld in any court of law, and it could not be supported by Government itself.

5-55 p.m.

As to Dr. N. C. Sen Gupta, his general attitude is one of suspicion of all Government actions but on inconsistent grounds. On some occasions he has no faith in Government action: On others he thinks that Government can effect anything. Sometimes he says that, Government should not have moderate powers but should be confined to drastic measures: sometimes he thinks that Government should have no power to take any measure at all. On this occasion he adopts the latter attitude. He objects to this clause because Government might frame rules under it to regulate the application of the municipal funds. I would remind him that another member in his own block of the House was prepared to move an amendment to lay down that certain charges in section 97 should have precedence over all others: it is only because the amendments were not put in legal language . . . . but perhaps I am

not entitled to refer to information gathered in private conversation. Any how, members of his own block proposed an amendment for providing for the very principle which the member now rejects. Next, Sir, may I explain this matter of section 101 to which Mr. Basu refers? Under section 101, it is true, a copy of the budget is sent to the Government: but this is only for information, and the Government has no power to do anything with it. To say that by framing rules we are practically doing away with the power of the municipalities to frame their own budgets is to betray colossal ignorance of what a budget is, and I do not know how to answer such an argument. There are rules under which Government frame their budget: but would any member here suggest that in consequence it is useless to present it to this House. This argument is really without any validity. Sir, I oppose the amendment.

The motion that clause 110 (a) be omitted was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Maiti, Mr. T.
Mookerjee, Mr. Syamaprasad.
Nai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Roy, Babu Satyendra Nath.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Baksh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sushil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Mr. P. N.
Henderson, Mr. A. G. R.
Hodge, Mr. J. D. V.
Huq, Mr. A. K. Fazl-ul.
Kasem, Maulvi Abul.
Khan, Maulvi Amin-uz-Zaman.
Khan, Maulvi Tamizuddin.
Khan, Mr. Razaur Rahman.
Leeson, Mr. G. W.
Maguire, Mr. L. T.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mukherji, Rai Bahadur Satish Chandra.
Nag, Babu Suk Lal.
Nazimuddin, the Hon'ble Mr. Khwaja.
Ordish, Mr. J. E.
Philpot, Mr. H. C. V.
Rahman, Maulvi Aziziur.
Rahman, Mr. A. F. M. Abdur.
Ray, Babu Khetter Mohan.
Ray, Babu Nagendra Narayan.
Ray, Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Babu Sonat Bihari.

Sarkar, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girish Chandra.
Stapleton, Mr. R. E.
Suhrawardy, Mr. H. S.
Thomas, Mr. M. P.
Thompson, Mr. W. H.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.
Wordsworth, Mr. W. C.

The Ayes being 17 and the Noes 65 the motion was lost.

Dr. AMULYA RATAN GHOSE: I beg to move that after clause 110 (*g*) the following be added, namely:—

"(2) All such rules shall have the force of law, provided that the rules are framed after proper consideration of objections or suggestions submitted within a reasonable time not less than three months by the commissioners or by the public likely to be affected, concerned or interested with such rules and after due publication."

Sir, my amendment is clear enough to make the hon'ble members understand what I mean. Of course the rule-making power of Government has already been accepted. But my submission is that the rules ought to be framed by Government after proper consideration of objections and suggestions by the municipalities or by the public who are concerned with such rules, and without criticisms being invited from them and without hearing what they have got to say, I think it will certainly not be reasonable to have those rules enacted or to give them the force of law. For this reason some time ought to be allowed to enable the public to send in their criticisms, if any, and after giving due consideration to these criticisms Government should make such amendments to the rules framed by them as are necessary. Sir, these amended rules and these amended rules alone should have the force of the law: otherwise not. With these words I commend my motion for the acceptance of the House.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, Dr. Amulya Ratan Ghose is fast developing into a non-official municipal expert, but he has put us in such a difficult position that I find it difficult to characterise his motion, nor do I understand the object he aims at by this motion. He wants to thoroughly democratise the municipalities, yet in one single sentence, he would give all rules, whatever may be their nature, the force of law, so long as they are framed after consideration of objections. He would give such wide powers to the Local Government that they might promulgate any rule which will be in the nature of law. As a medical practitioner perhaps he is not aware that Government under their rule-making powers never make any rules unless they are first published and public criticisms are invited thereon. But I do not see why my friend should say that such rules shall have the force of

law. Sometimes even rules enacted by Government is found to be *ultra vires*. I think it would be very dangerous to have a provision like this.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am afraid I cannot support the language of Dr. Ghose's amendment. At the same time I hope that the Hon'ble Minister will see his way to accept some amendment in this sense that there ought to be some provision in the Act itself for the publication of draft rules before those are finally made. There are such provisions in many other Acts.

Mr. H. P. V. TOWNEND: To save time I may say that there is already provision for this in the Bill. The whole of Chapter XXV deals with this.

Mr. S. M. BOSE: May I say just one word. Under the Bengal General Clauses Act it is expressly provided that all rules must be first of all published in draft and opinions called for thereon, and then after the time for sending opinions is over, Government shall finally make the rules.

The motion of Dr. Amulya Ratan Ghose was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 110 stand part of the Bill.

The motion was put and agreed to.

Clause 111.

Mr. PRESIDENT: The question is that clause 111 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 111 (*1*), in line 5, after the word "any" the words "one or more" be inserted.

Sir, the clause authorises the commissioners to "impose within the limit of the municipality rates, taxes, tolls or fees or any of them." This seems to mean that either all the rates, taxes etc., shall be imposed or only one (any) should be imposed. In place of the words "any of them" the words "any one or more of them" should be used to make the meaning clear.

Babu BENOD BIHARI SARKAR: Sir, I beg to oppose the amendment. The change proposed is quite unnecessary.

The motion of Munindra Deb Rai Mahasai was then put and lost.

6-15 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that to clause 111 (*1*) (*a*), the following be added, namely:—

> "or a tax upon persons occupying holdings within the municipality according to their circumstances and property within the municipality provided that the amount assessed upon any person in respect of the occupation of any holding shall not be more than two hundred rupees per annum."

This is an enabling clause authorising the municipalities to levy rates and taxes and should be as comprehensive as possible, so that a municipality may not find itself powerless to impose a tax which it considers suitable. I know the principle of personal taxation has been deliberately abandoned and instead of it the principle has been accepted that every one should be taxed on his holding. That is undoubtedly a sound principle, a principle of which no one disapproves. But there may be difficulties in the application of this principle to some rural municipalities in which the imposition of rates on the basis of holdings merely would be disastrous to the finances of those municipalities. Persons earning large incomes in these municipalities live in very small houses or houses of small market value. If you assess them upon their holdings, they will have to pay very little, even if you assess them at the maximum rate. Accordingly, persons who have large incomes and who have now to pay Rs. 50 or more will find themselves in a position of being let off with a small payment of Rs. 6 or Rs. 10 for the matter of that, with the result that the finances of such municipalities would be frightfully reduced. In such cases where the value of holdings is extremely low, I think an exception should be made to the generally accepted principle, that holdings rather than persons should be taxed, because to stick to that principle in every case would be unsound from the practical point of view. I do not say that it would not be possible to introduce the principle of holding-tax in the bulk of municipalities or even in all the municipalities. But supposing a case occurs in which insistence on this principle might mean a practical abolition of a municipality, it should have the power to impose a personal rate or tax. For this reason I propose that this personal tax should be included under one of the several heads of the taxes which a municipality is entitled to impose. It may be said that it will be inequitable to impose a tax on a person who happens to be more prosperous than others; but I fail to see why it should be considered inequitable if he has to pay a larger rate than others. Again, Sir, there are Government servants drawing large salaries and living in small holdings who escape their just share of tax: Is this equitable? with regard to this, I would just point out one little thing. Amongst the rates and taxes which can be imposed on a person is a tax on trades, professions and callings specified in schedule IV, so that a person who is following one of the trades,

professions and callings, mentioned in that schedule would be assessed once upon his holding and he would be again assessed to a tax by reason of his trade, profession or calling. There is nothing wrong in that; you tax a person there upon his holding as well as upon his trade, profession or calling, on account of the income that he derives therefrom. But Government servants, *zamindari* officers, *zamindars* or other persons who are in enjoyment of salaries and income while living in the same municipality are not liable to be taxed under sub-clause (*f*). There is no reason why such people should not have to pay a higher rate than is justified by the value of the holdings they occupy. There may be cases where the imposition of a personal rate may be necessary, and that is the reason why I have proposed this amendment. I have moved this amendment not on "theoretical" or "metaphysical" grounds, but purely on practical grounds, that the retention of the clause as it at present stands may make the existence of many municipalities impossible.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I venture to characterise the argument of my esteemed friend, Dr. Naresh Chandra Sen Gupta, as an argument of necessity. This time it is not a metaphysical argument. He does not care whether it is equitable or not. He does not care whether it is democratic or undemocratic, but he is full of sympathy with some of the municipalities which may lose a part of their income and therefore he is in favour of personal tax. So I characterise his argument as an argument of necessity. As he himself has admitted, it is a distinct advance upon the existing provisions of the Act and it is rather late in the day to talk of personal tax. Simply because a man earns more money than others, it is no reason why he should pay more. It ought to be commensurate with the service that he can get from the municipality. It ought to depend upon the holdings that he occupies in a municipality and not on his personal income. There is income-tax for that. If he earns more than others he has got to pay more than others by way of income-tax. There is a tendency on the part of our municipalities to reduce the amount of personal tax; some of them which used to impose personal tax in 1912-13 have now given it up. The number of municipalities that used to impose personal tax was 72. It has come down to 59 in 1930-31. Whereas tax on holdings is going up. In 1912-13 it was 37, whereas in 1930-31 the number went up to 58; the amount that used to be realised from personal tax during the same period, *viz.*, Rs. 3,79,000, it has practically remained stationary. While the tax on holdings has risen considerably, *viz.*, from Rs. 14,30,000 in 1912-13 the amount increased to Rs. 26,40,000 in 1930-31. It is very unfair that, because a man has got more income he should pay more, though he does not derive more service than the man who has less income. A tax on persons is not imposed in the Punjab, the United Provinces or Bihar, and so the tendency is against

personal tax. It is not in force in England or in any other democratic country. On these grounds I oppose the amendment of Dr. Sen Gupta. Moreover, if we are to accept it, it will entail considerable changes in the whole Bill, because the Bill was drafted on the basis that a personal tax should not be imposed.

Rai Sahib SARAT CHANDRA MUKHOPADHAYA: Sir, there are some *mufassal* municipalities, such as our municipality of Tamluk, in which the tax on persons according to their circumstances and prosperity is in force for a very long time under the existing Bengal Municipal Act as the tax on person seems to be fitted to municipal town like this where men of very good circumstances live in mud houses, there being very few brick built houses. In such municipality the introduction of rate on holding would so reduce its income that it would be impossible for the municipality like ours to go on. This can be illustrated by a few examples. There are munsifs and deputy collectors drawing a salary of Rs. 300 to Rs. 600 per month, who live in houses whose rents are not more than Rs. 12 to Rs. 16 per month (each holding) and so is the case of many pleaders and rich men of the town. For example the annual value of a holding (97A) is Rs. 192 but the person who lives in it gets salary of Rs. 600 per month. So the rate on said holding at 10 per cent. will be Rs. 19 per year but the gentleman pays yearly Rs. 72 as personal tax. The annual value of holding No. 174 is Rs. 84 and the tax on holding will be Rs. 8½ per year but the gentleman occupying it pays tax Rs. 72 a year.

Holding No.	Annual value.	Tax at 10 per cent.	Occupier pays per year
	Rs.	Rs	Rs.
90/1A	60	6	84
39 A	216	21½	84
41	204	20½	84
85	400	40	84
103	240	29	54
93	204	25	54
138	360	36	84
66 A	130	13	39
92	300	30	76
88	300	30	84

So the rate on holding would cause another difficulty and hardship in a municipality like this. In this municipality there is a considerable area in which poor people live in small huts occupying some plots of lands which they cultivate. As the term "holding" includes agricultural holdings, taxes are to be imposed on the annual value of these lands which will cause great hardship on these poor men and will create

discontent whereas it would be found that the rich man who live in mud houses and have no other lands within the municipality would be paying less tax than these poor men.

For these reasons I fully support the amendment.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to support the motion just moved by my friend, Dr. Naresh Chandra Sen Gupta. The proposal made in the Bill to abolish the tax on persons which may at present be levied as an alternative to the tax in holdings may cause hardship in small municipalities. A poor member of once well-to-do family may inherit a big house but may not have any income worth the name. In small towns it may not have any letting value at all like big towns where one may let out a portion or the whole house and get an income therefrom. A tax on persons would be more suitable in such cases, specially in small towns where there is no demand for big or even smaller houses.

Mr. H. P. V. TOWNEND: I must congratulate the members upon their tactics. They have waited till the Hon'ble Minister has exhausted his right of speaking by replying to the not very weighty arguments of the mover, before bringing up their heavy artillery with a view to demolishing his argument that this Bill represents a great advance in local self-government. I shall try to answer the speakers, but I must apologise to the House if my reply is not so convincing as that of my Hon'ble Minister's would have been, if he had known the particular line of attack that would be made in the course of the debate on this amendment.

The argument of Rai Sahib is that it will be very hard for small municipalities to be deprived of the income which they derive from individuals who pay now a higher rate than they would if there were no tax on persons. He is stating, in another form, the great objection to a tax on persons: it is very unfair in its incidence. If the commissioners happen to know of Government servants drawing a certain salary, they can at once come down on them and demand a higher rate. While, on the other hand, there is no way of finding out what is the income of other people with a view to taxing it. The commissioners have no power of investigating incomes and very often as we know there are bitter complaints made against municipalities about unfair taxation. The small municipalities view with dismay any prospect of having to reorganise their finances but it does not follow that this reorganization will not be to their ultimate good. If this tax on persons was really a sound method of taxation, it would be reasonable for the number of municipalities which used this form of tax to grow larger, but as a matter of fact their number is gradually falling off during the last 11 or 12 years, with the result that there are now only four municipalities in Bengal which rely solely upon this tax. If it were

such a good tax I am perfectly certain that more municipalities would have taken to it. As my Hon'ble Minister mentioned in an earlier stage of the debate on this Bill those municipalities which cannot raise funds without a tax of this sort should resolve themselves into union boards, where in a restricted form this tax obtains. It is really impossible for us to hamper all the municipalities in Bengal for the sake of a few, which should hardly be classed as municipalities in the proper sense of the term.

Dr. NARESH CHANDRA SEN GUPTA: May I ask one question, Sir? Supposing that a municipality cannot go on on its holding rate should it not revert to the position of a union board where a personal tax would have to be paid?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: In union board circumstances and property of a person within the union are taken into account, and not his income from all sources.

Dr. NARESH CHANDRA SEN GUPTA: The same thing is provided for in my amendment.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Babu KHETTER MOHAN RAY: I beg to move that clause 111 (*1*) (*f*) be omitted.

The clause reads thus: "a tax on trades, professions and callings specified in schedule IV at such rates as may be fixed by the commissioners within the maximum rate fixed in the said schedule". If a tax is levied upon the income of trades, professions and callings of persons living in a municipality, it will lead to great complexity in the assessment of the tax and impose additional burden on those who are already assessed to income and other taxes, so I consider it to be undesirable. That is why I move that it be omitted.

Dr. NARESH CHANDRA SEN GUPTA: In connection with this motion, I would like to draw the attention of the House to schedule IV which includes a company transacting business within a municipality for profit; a merchant, banker, money-lender wholesale trader, owner or occupier of a market, bazar or theatre or place of public entertainment, broker or *dalal* in jute, cotton, precious stones, etc., whose place of business is valued at Rs. 100 per year, that is to say, with reference to their places of business. Then follow commission agent, architect, engineer, contractor, medical practitioner, dentist, barrister, retail trader, shoopkeeper, hotel-keeper, and so on, that is to say, a tax is payable by every person who carries on any profession of profit in that municipality and that tax will be levied upon the income of that person by a

rule of the thumb. Well, Sir, if the Government is satisfied as they apparently were satisfied in opposing my last amendment, that no invidious distinction between man and man should be made in respect of a tax with reference to income, I fail to see how they can be justified in imposing this taxation according to this schedule.

[At 6-30 p.m., the Council was adjourned for prayer and it reassembled at 6-40 p.m.]

Maulvi HASSAN ALI: Sir, I rise to give my support to the amendment. A tax on profession, business or calling is a new proposal. Professions and trades are always taxed by the Income-tax Department and lawyers have also to pay license-fees every year. The imposition of other taxes on trades and professions cannot therefore be justified at all. There is no reason why these people alone will have to pay another additional tax. The people are already over-taxed and having regard to the economic condition of the country, I think the introduction of such a provision as this will lead to great discontent in the country.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. A tax on professions or trades now obtains in all advanced municipalities and I see no reason why it should not be imposed in the municipalities of Bengal. I do not think, Sir, that the House should accept this proposal because we are going to place additional responsibilities on municipalities, and unless we provide them with additional sources of revenue, we shall be building castles in the air. There must be some additional source of income to enable these municipalities to discharge their additional obligations. I must oppose the amendment.

The motion of Babu Khetter Mohan Ray was then put and lost.

Babu KHETTER MOHAN RAY: Sir, I beg to move that in clause 111 (*1*) (*f*), line 3, after the words "the commissioners" the words "at a meeting by a majority of at least two-thirds of the whole number" be inserted.

Dr. AMULYA RATAN GHOSE: Sir, I rise to support the amendment moved by Mr. Khetter Mohan Ray. The amendment is very sound in principle. As Government is anxious to put a check over the action of commissioners, I think Government will be the first to accept the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment by which the mover wants to lay down an impossible condition, *viz.*, that two-thirds of the whole number of commissioners must support the tax before it can be enforced. That is a

condition which will never be fulfilled. So it is no use providing this in the Act unless it is not meant to be a dead letter. I therefore oppose the amendment.

The motion of Babu Khetter Mohan Ray was then put and lost.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that clause 111 (*l*) (*g*) be omitted.

This is a new provision to provide for the taxation of dogs kept within a municipality. The only effect of this provision would be to tax the people who keep dogs and it will put a premium upon *pariah* dogs in municipal areas which generally circulate rabbies.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I accept the amendment.

The motion of Mr. Narendra Kumar Basu was then put and agreed to.

Mr. J. E. ORDISH: Mr. President, Sir, I beg to move that clause 111 (*l*) (*h*) be omitted.

This clause is designed to give power to the municipal commissioners to impose a tax on advertisements. To my mind it has come very much before its time. I think it rather penalises the people who wish to promote business by means of advertisements; and I think rather than penalising them they should be encouraged. Furthermore, I feel that before municipal commissioners are empowered to raise their revenue from such outside sources they should first justify such taxation by better collection of ordinary revenue: when I see the rate collection of *mufassal* municipalities standing at a figure of 95 per cent., I shall be strongly in favour of extending to them the power now proposed. I see that the Hon'ble Minister is prepared to accept this amendment; therefore there is no need for me to continue.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am prepared to accept this amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am entirely opposed to this amendment for the simple reason that when a person puts up an advertisement by laying out some money, he does so expecting to get a little income out of it and if this tax is imposed, he will have to pay a small additional sum for the purpose of displaying advertisements in the municipal areas. As it is, Sir, advertisements are already an intolerable nuisance as these disfigure most places, and if they are to be endured for commercial development, it seems, at any

rate, proper that the people who put up advertisements ought to pay something to the municipality for the privilege of disfiguring tha municipal town.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I wish there were more numerous advertisements. That is, I think, a sign of prosperity in business. Unfortunately in *mufassal* municipalities there is yet no sign of that. Government considers that the effect of a tax on advertisements at this stage would discourage business, and it seems rather premature to impose such a tax The time may come, as we all hope it will, when it will be a profitable source of income to the municipalities but that has not yet come. On this ground, Sir, Government is prepared to accept this amendment.

Mr. NARENDRA KUMAR BASU: Sir, I rise to oppose this amendment. In spite of what the Hon'ble Minister has said, if you, Sir, would kindly take the trouble of advising members to read the language of the clause, it will be seen that the Hon'ble Minister's argument does not apply to this clause. The clause says: "a tax on advertisements displayed in public places at such rates as may be fixed by the commissioners with the approval of the Local Government and under conditions and limitations as the Local Government may, by rules, prescribe." That means, Sir, that it is not obligatory by this Bill, or by the Act when it becomes law, on every advertiser to pay a tax to the municipality, as it is only under such rules and conditions as the Local Government may, by rules, allow that municipalities will have the option to impose this tax. We have been told times without number that we are legislating by this Bill not only for the present but for the future; and I am surprised to find that this amendment should stand in the name of a member of the European group. My personal experience of Europe is not of recent times, but from all what I hear and see in newspapers I find that there is a tremendous hue and cry in England about the whole countryside being spoilt by advertisements, posters and hoardings. We are legislating for the future and therefore I think that this clause ought to retain its place in the statute so that when the time comes the Local Government may, by rules, allow municipalities to impose this tax.

Mr. W. H. THOMPSON: Mr. President, Sir, I agree with the last speaker that advertisements are often an eye-sore and I would remind you, Sir, that, in Calcutta, you will find no advertisements on any telephone poles belonging to the Bengal Telephone Corporation, though you will find them on Government telegraph poles. A necessary adjunct of business in places where commerce has reached a state of development which it has not yet reached by a long way in *mufassal* municipalities. Whether æsthetically advertisements are good or bad

it has been found that they are useful to the buyer in showing him what to ask for and to the manufacturer in putting his goods before the public. To tax advertisements before they have hardly begun to appear would be to stifle something which will ultimately extend and develop business in this country. There is one more thing that can be said about advertisements. When a boy leaves his primary school, he very often lapses to illiteracy because he so seldom again sees the written word. Did not one of Dicken's characters learn to read and write by reading shop-signs? May not advertisements be a means of advance in primary education in the same way?

7-5 p.m.

Mr. SHANTI SHEKHARESWAR RAY: I am now inclined to oppose this amendment, although I was rather prepared to support it, because I find Mr. Cooper is one of the sponsors of this amendment. In connection with the Motor Vehicles Bill, he moved an amendment, and the Hon'ble Minister accepted it, and as a result of accepting that amendment of Mr. Cooper, the Hon'ble Minister has now brought forward an amending Bill. I do not know if the Hon'ble Minister by accepting this amendment of Mr. Cooper, will again experience a similar difficulty in future.

Mr. P. N. GUHA: Sir, the wording of the clause is extremely vague. It says that a municipality shall have power to tax advertisements displayed in "public places", but public places within the jurisdiction of a municipality do not necessarily belong to it. A municipality is perfectly justified in taxing advertisements displayed in places belonging to it, but it can have no right to tax advertisements elsewhere. As pointed out by Mr. Thompson, the Government is charging fees for hoardings displayed on the telegraph posts, but these telegraph posts, though in public places, do not belong to the Calcutta Corporation, and so it is not getting any portion of the revenue which the Government is deriving. The clause as it stands is meaningless and confusing and I think it should be deleted.

Babu KISHORI MOHAN CHAUDHURI: I beg to oppose the amendment. If anybody likes to make some profit by advertising something, why should he not pay for it, specially when this can be done under the law and the rules to be framed by the Government. I do not see any reason why it should be exempted. The Hon'ble Minister on another occasion said that the present Government is not charging anything for audit fees, but should the future Government want to do so, they may charge for audit fees. Similarly, although it may not at present be necessary to charge for advertisements, if in future there be much advertisement and if somebody makes profit out of it, I do not see any reason why he should not pay for it, and that

also under the sanction of the Local Government and under the rules to be framed by them. On these grounds, Sir, I oppose this amendment.

Dr. AMULYA RATAN GHOSE: I beg to oppose the amendment not because it stands in the names of Mr. Ordish, Mr. Cooper and Mr. W. H. Thompson, but because it may bring some income to the future municipalities of Bengal. The future municipalities are not supposed to remain in their present order, and we should not compel future municipalities not to tax for advertisements on the ground that at present advertisements are not charged for. Let us hope that our municipalities will improve day by day and an occasion shall arise when fees on advertisements ought to be levied. Moreover, as has been pointed out by my esteemed friend Mr. Basu, this will be subject to the approval of the Local Government, and that the commissioners are not bound to charge for advertisements, but they "may", if they desire to do so. So this is not such a serious thing that the commissioners are going to levy a tax on advertisements as soon as this Bill is passed into law. It is simply giving power to the commissioners that they may exercise it, if they consider that the municipality is in a position to impose a tax on advertisements. As for the place where an advertisement is to be made and whether that can be charged for, it is certainly under the rule-making power of the municipality as well as of the Local Government which by rules will set forth which places, where advertisements have been made, shall be chargeable to advertisement tax.

The motion of Mr. J. E. Ordish was then put and agreed to.

Mr. S. M. BOSE: I beg to move that to clause 111 (*1*) (*j*), the words "and on bridges" be added.

I find that in section 186 (*c*) of the present Municipal Act——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, Government is prepared to accept this amendment.

The motion of Mr. S. M. Bose was then put and agreed to.

Babu SATYENDRA NATH ROY: I beg to move that after clause 111 (*2*) the following be added, namely:—

"(*3*) The rates specified in clauses (*a*), (*b*), (*c*) and (*d*) of sub-section (*1*) shall not be imposed on any holding not being private property which is used exclusively as a place of worship to which the public have the right of free access without payment or as a mortuary or which is duly registered as a public burial or burning ground under this Act.

(*4*) The commissioners at a meeting may, either wholly or partially, exempt from the aforesaid rates any holding which is used exclusively for purposes of public charity."

Sir, I may remind the House that a similar provision exists under the Calcutta Municipal Act, *viz.*, section 126. Section 126 states—

"Buildings used exclusively for purposes of public worship and public burial or burning grounds or other places for the disposal of the dead duly registered under Chapter XXXI shall be exempt from the consolidated rate."

As regards (*b*), (*c*) and (*d*), (*b*) refers to water rate, (*c*) refers to lighting rate, and (*d*) to conservancy rate. Under the present Act, the municipalities are empowered to exempt the holding rate but not the water rate, the lighting rate or the conservancy rate. In the *mufassal* municipalities these are known as service rates. In the Calcutta Corporation, before the passing of the Calcutta Municipal Act of 1923, there were different rates, but in the Act of 1923, the Corporation has one consolidated rate. My object is that a similar provision be made on the lines of the Calcutta Municipal Act of 1923, to empower the municipalities not only to exempt the holding rate, but also the water rate, the lighting rate and the conservancy rate.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. In Calcutta, under the Calcutta Municipal Act, there is one rate, namely, the conservancy rate. So, there exemption means exemption from the consolidated rate. Here exemption from the holding rate has been provided for. The other rates are the lighting rates, the water rates and the conservancy rates. Sir, they mean some expenditure to the municipality. The municipality can make charity of that amount which they get and for which they have not to spend money, but they cannot make charity out of pocket. These services certainly mean some cost to the municipality. Simply because a place is a place for worship will not justify exemption from the taxes for water, light, etc. So, if Mr. Roy's amendment is accepted, not only will the municipalities lose the service rates but they will also have to provide these services out of pocket.

Dr. NARESH CHANDRA SEN GUPTA: I do not appreciate the arguments of the Hon'ble Minister against this exemption. If the municipality is going to levy the rates for the services it renders, well it may levy the holding rate also. In the opinion of the Hon'ble Minister, the holding rate is excluded because the municipality gives no services for it. Sir, the municipality actually gives them services for the holding rate. The roads, the drains and the sanitary appliances are there. It is for that purpose that the municipality levies the holding rate. If the municipality is going to give services to the charitable institutions, there is no reason why only the holding rate should be excluded. It is not a fact that the holding rate is excluded on the principle that the municipality has to render no service for it,

but because it is a place for the use of the public and for other charitable purposes, because the services rendered by the municipality are not for the benefit of the owners of that building but for the general public. When you allow such exemption to a public temple or mortuary, is it the owner of that temple or mortuary or the managing committee that is benefited by it? The general public who frequent such places are benefited by the services rendered by municipalities. If exemption on the holding rate is given on the principle that the public as a whole are agreed to maintain a public institution by paying out of their pocket, exemption may also be given in the matter of lighting, water-supply and other things on the same principle. The principle is not that a municipality has to render any service free of charge, but the principle is that when a certain charitable institution serves the public in general and the services of the municipality to that institution benefits the public generally, the imposition of the rates should be on the public in general and not upon the particular holding in question. That is the ground why all these rates should be exempted as is done in Calcutta in respect of the consolidated rate. It is true that in Calcutta there is one consolidated rate, but if this was the idea they might have made such distinctions by saying that half the rates might be exempted. They have not made that provision. The object of the exemption from the consolidated rate is that these public buildings should have exemption from municipal rates or should have free municipal services because they benefit the public generally.

7-25 p m.

Maulvi SYED MAJID BAKSH: Sir, I should like to support this amendment. There is no particular person from whom rates and taxes could be realised in respect of places of worship such as a mosque or a temple. Now water is absolutely necessary for the performance of religious rites and of course conservancy will also be required to be looked after because these places of worship have got to be kept clean. Nobody is the owner of a temple or a mosque and many of the mosques are without any *matwalis*. Unless some property is dedicated to a mosque, there is no charity and there is no owner. People generally go there, perform their worship and go away. It would be very difficult for the municipality to realise the taxes which will be levied and if the municipality does not render the services required, the result will be that these places of worship will become insanitary. These places are frequented by a large number of people and consequently there is every likelihood of diseases spreading if these places are neglected.

Mr. H. P. V. TOWNEND: Sir, I am sorry that I again find myself in opposition to Dr. Sen Gupta. Government has been advised by its legal authorities that the word "public" in the phrase "purposes

of public charity" and so on means not only the public as a whole but also a section of the public. Why should provision be made that if some charity which benefits section of the public of Bengal establishes itself in a small municipality outside Calcutta, for instance that small municipality should have to pay towards its upkeep? It is argued by Dr. Sen Gupta that when a charity serves the public as a whole the public, that is the municipality, should pay: that may be true. But why should not the public, in the shape of municipal commissioners, have a voice in the matter? The House has already accepted a provision in section 97 by which municipalities can make contributions towards various charitable objects, and I think that clause is quite sufficient for the purpose of giving help to charities, where it is needed, in the shape of contributions. I do not think that anything more is necessary in this direction.

The motion of Babu Satyendra Nath Roy was then put and lost.

Mr. PRESIDENT: The question is that clause 111, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Mr. PRESIDENT: To meet the wishes of a large number of members of this House who have written to me very strongly objecting to sit on Saturday, I have requested the Hon'ble Leader of the House to communicate their views to His Excellency the Governor because His Excellency has already ordered Saturday to be included as a working day; but when I made that request I made it a condition that I shall persuade the hon'ble members to sit from 2-30 p.m. to 7-30 p.m., every day. Let us then adjourn till 2-30 p.m., to-morrow and await His Excellency's orders.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Friday, the 26th August, 1932, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 26th August, 1932, at 2-30 p.m.

Present:

Mr. Chairman (Khan Bahadur Maulvi AZIZUL HAQUE) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 101 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Road leading from Banskhali to Dohazari station.

*148. **Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether the projected railway line from Chittagong to Dohazari has been opened up to Dohazari; and

(*ii*) whether there is any cart or motor road leading from Banskhali to the Dohazari station?

(*b*) Has the Additional Subdivisional Officer of Chittagong reported, having been directed by the Government to do so, on the necessity of a cart road from Banskhali to Satkania, after careful inquiry into the inconvenience of the public, on their application?

(*c*) Will the Hon'ble Minister be pleased to place the report on the table?

(*d*) Do the Government contemplate constructing the proposed road with the money allotted to the Provincial Road Fund?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) They are connected by circuitous *cutcha* roads, of which portions are motorable. It is not possible to go by cart or by motor the whole way from Banskhali to Dohazari station.

(*b*) The Additional Subdivisional Officer in a report to the Collector pointed out the desirability of a cart road from Satkania to Banskhali, on an application from people in the locality. No such report was called for by Government direct.

(*c*) The report has not been received by the Ministry of Local Self-Government.

(*d*) The Road Board Fund can be utilised only for projects of provincial importance.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to call for a report?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: We know, Sir, what is in the report. We have got a letter from the District Magistrate and he has informed us of the contents of the report.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to give us a summary of that report?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is given in my answer (*ii*).

Maulvi SYED MAJID BAKSH: If portions of the road are motorable, will the Hon'ble Minister be pleased to state why people find it difficult to motor over them?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: That is a matter of opinion; I cannot answer it.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister kindly see that the motor road is so repaired as to be motorable, either through district boards or through local bodies?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Ministry of Local Self-Government has no such control over local bodies as to compel them to spend money over this road, and the Road Board Fund cannot be spent unless the road is of provincial importance.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister kindly see that a portion of the tax collected under the Motor Vehicles Act be given to the district board and local bodies concerned to keep this road in repair?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The Road Board has not yet decided how the tax will be distributed, so I cannot make any promise.

Middle English schools, Bankura.

***149. Babu SATYA KINKAR SAHANA:** Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the number of middle English schools in the district of Bankura;

(*ii*) the number and names of such schools receiving Government aid;

(*iii*) the amount of aid received by each of them;

(*iv*) in how many of these schools agriculture is taught as a subject; and

(*v*) the percentage of boys in these schools whose family resource is agriculture?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) to (*v*) A statement is laid on the table.

Statement referred to in the answer to starred question No. 149.

(*i*) 57 (including one for girls).

(*ii*) and (*iii*)

Names of M. E. Schools.		Amount of Government grant received per month during the year 1931-32.
		Rs.
1. Bankura	...	50
2. Rajagram	...	50
3. Vishnupur	...	55
4. Bakulia	...	54
5. Chhatna Hindu	...	48
6. Susunia	...	25
7. Onda	...	50
8. Panchmura	...	55
9. Bankadaha	...	25
10. Panchal	...	50
11. Shitla	...	50
12. Baliatore	...	70
13. Lalbazar Girls	...	150

(*iv*) Agriculture is not taught in any of them.

(*v*) Exact information is not available: 80 per cent. may be taken as an approximate estimate.

Babu SATYA KINKAR SAHANA: There are 57 schools in the district. Will the Hon'ble Minister be pleased to state why only 13 receive Government aid and the remaining 44 do not get any financial assistance from Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The answer is obvious. There is not enough money to go round to all these middle English schools.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state if all these 44 middle English schools are not mostly in the rural areas?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I cannot say that.

Babu SATYA KINKAR SAHANA: According to the Minister's estimate, approximately 80 per cent. of the students come from the agricultural classes (although, as far as I know, the proportion is 95 per cent.). Will the Hon'ble Minister be pleased to state why no agricultural education is imparted to the students in those middle English schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: We have got a scheme under which middle English and high English schools are to send teachers to the agricultural school at Dacca for training, and when they come back, they will start the teaching of agriculture in those schools, provided they join in the scheme and meet the conditions laid down by Government.

Names of tols and maktabs receiving Government aid.

***150. Babu SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that every Hindu and Muhammadan householder in our country has to perform several religious ceremonies, rites and rituals during the year;

(ii) that the services of *pandits* and *maulvis* are necessary in the performance of such ceremonies, rites and rituals; and

(iii) that *tols* and *maktabs* supply *pandits* and *maulvis* to the two communities?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the number of the *tols* and *maktabs* in the district of Bankura;

(*ii*) the number and names of *tols* and *maktabs* receiving Government aid; and

(*iii*) the amount of aid received by each of them?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*) *Tols* supply *pandits*. *Maktabs* being primary schools only do not supply *maulvis*.

(*b*) (*i*) *Tols*—44.

Maktabs—43.

(*ii*) and (*iii*) A statement is laid on the table.

Statement referred to in the answer to clause (*b*) (*ii*) and (*iii*) *of starred question No. 150.*

LIST OF MAKTABS AND TOLS IN THE DISTRICT OF BANKURA RECEIVING AID FROM GOVERNMENT DURING 1931-32.

Maktabs—

(1) Bankura—Rs. 512.
(2) Vishnupur—Rs. 228.
(3) Badulara—Rs. 91-2.
(4) Kapistha—Rs. 79-2.
(5) Natungram—Rs. 19-2.
(6) Lalbazar—Rs. 13-8.
(7) Dubraji—Rs 17-8.
(8) Gourbazar—Rs. 17-8.
(9) Khatra—Rs. 5-4.
(10) Uparbanda—Rs. 79-8.
(11) Punishole—Rs. 17-4.
(12) Dogaria—Rs. 16-10.
(13) Belara—Rs. 93-12.
(14) Bagdahara—Rs. 78.
(15) Baliguma—Rs. 3.
(16) Angaria—Rs. 75.
(17) Palbanda—Rs. 15.
(18) Jhero—Rs. 3.
(19) Ismailchak—Rs. 15.
(20) Lankajole—Rs. 15.
(21) Amshole—Rs. 76-8.
(22) Mohespur—Rs. 15-12.
(23) Kamargaria—Rs. 16-2.
(24) Dubrajpur—Rs. 3-12.
(25) Asanbani—Rs. 51-12.
(26) Dharampur—Rs.15-12.
(27) Kantadighi—Rs. 56-4.

Maktabs—

(28) Talur—Rs. 56-8.

(29) Panpukur—Rs. 40-8.

(30) Naldanga—Rs. 47-6.

(31) Borojpota—Rs. 15-12.

(32) Bargaria—Rs. 16-8.

(33) Idilchak—Rs. 15-12.

(34) Paharpur—Rs. 28-2.

(35) Kusmuri—Rs. 3-12.

(36) Narra—Rs. 23-4.

(37) Bajitpur—Rs. 3-12.

(38) Pearbera—Rs. 59-4.

(39) Mandarbani—Rs. 15-12.

(40) Mandalband—Rs. 31-8.

(41) Mougram—Rs. 24-4.

Tols—

(1) Vishnupur Sudarshan—Rs. 180.

(2) Patrasayer—Rs. 60.

(3) Bankura Gonganarayan—Rs. 300.

(4) Tiluri—Rs. 120.

Babu SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state the proportion of Hindus and Muhammadans in the district of Bankura?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state whether it is not a fact that *tols* imparting higher education in Sanskrit, as well as *maktabs*, are really primary schools?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It may be so.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Will the Hon'ble Minister be pleased to state if Hindu boys are taken in *maktabs*?

The Hon'ble Mr. KHWAJA NAZIMUDDIH: Yes. *Maktabs* can have Hindu boys.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether the proportion of Hindus and Muhammadans in the district of Bankura is anything like 4 to 41 per cent.?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I want notice.

Bengali constables.

*151. **Mr. SHANTI SHEKHARESWAR RAY:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the number of—

(*1*) Bengali, and

(*2*) non-Bengali

police constables recruited since 1st January, 1932?

(*b*) What steps have been taken to recruit Bengalis as constables?

(*c*) Is the Hon'ble Member aware of a feeling of dissatisfaction amongst the people of this province over the employment of persons from outside Bengal in this police force?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*a*) (*1*) 314.

(*2*) 845.

(*b*) Recruitment in the Bengal Police is open to Bengalis just as much as to any other class.

(*c*) Government are not aware of such a feeling of dissatisfaction.

Rai Bahadur Dr. HARIDHAN DUTT: With reference to answer (*c*), is the Hon'ble Member aware that Mr. S M. Bose and other members of this Council complained about this particular matter only a few months back?

The Hon'ble Mr. R. N. REID: I am afraid I am not aware of that.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if recruitment to the Police Department in other provinces is open to Bengalis?

The Hon'ble Mr. R. N. REID: I have no knowledge of the recruiting rules in other provinces.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if recruitment to the Police in Bengal is open to Bengalis just as to non-Bengalis?

The Hon'ble Mr. R. N. REID: So far as I know, yes.

Libraries.

*152. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether publications from the League of Nations, the League of Nations Union, the Government of India, the Debates of the Legislative Assembly, and the Council of State are received by the Local Government for distribution among the educational institutions of Bengal?

(*b*) If so, will the Hon'ble Minister be pleased to state the names of libraries which receive each of those publications?

(*c*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of taking steps for obtaining them for distribution to the libraries receiving supply of local Government publications?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) and (*c*) No.

(*b*) Does not arise.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state the reasons why he considers it undesirable to take steps for obtaining the publications for distribution to libraries which receive a supply of Local Government's publications?

Mr. CHAIRMAN (Khan Bahadur Maulvi Azizul Haque): The answer shows that that question does not arise. Government have not said that it is undesirable.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not think that the Government of India in view of their present financial stringency will agree to increase their printing charges by circulating these papers to the Local Government.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state if the proceedings of the Bengal Legislative Council, particularly on the subject of the library movement, are circulated to the different libraries?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not know.

Females arrested and convicted in connection with civil disobedience movement.

***153. Babu SATYENDRA NATH ROY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of females arrested in connection with the civil disobedience movement since December, 1931;

(*ii*) the number convicted; and

(*iii*) the number undergoing sentences in jails on the 20th July last?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*i*) (*ii*) (*iii*) A statement is laid on the table.

Statement referred to in the answer to starred question No. 153.

Number of females arrested in connection with the civil disobedience movement for the period January-June, 1932 698.

Number of females convicted in connection with the civil disobedience movement for the period January-June, 1932 600.

Number of females undergoing sentences in jails in connection with the civil disobedience movement on the 23rd July, 1932—212.

Taking possession of certain houses at Midnapore for quartering additional police force.

***154. Mr. R. MAITI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that notices under sections 5 and 22 of Ordinance No. X of 1932, *i.e.*, the Special Powers Ordinance, have been served upon Babus Kishoripati Ray and Atul Chandra Bose, Pleaders, and Babu Probodh Nath Das, Muktear, of the local Bar, requiring them to vacate their residential houses within five days from the date of receipt of the said notices and place the same at the disposal of the Government for quartering additional police force and for public advantage?

(*b*) Is the Hon'ble Member aware that there are other big and unoccupied buildings available near about the said premises, for instance, a house belonging to the Jhargram estate just in front of the said house of Babu Kishoripati Ray across the road?

(c) If the answer to (b) is in the affirmative, what are the reasons for selecting occupied houses in preference to the vacant buildings?

(d) Are the Government considering the desirability of selecting the vacant houses only, instead of the houses occupied by the people?

The Hon'ble Mr. R. N. REID: (a) Yes.

(b) There are no suitable unoccupied buildings near the said premises. The house belonging to the Jhargram estate is frequently occupied by the officers of the estate.

(c) Does not arise.

(d) Ordinarily vacant houses are selected, but that is not always possible.

2-45 p.m.

Mr. NARENDRA KUMAR BASU: With reference to answer (b), will the Hon'ble Member be pleased to state that the house, belonging to the Jhargram estate which is near the houses taken possession of, is constantly occupied?

The Hon'ble Mr. R. N. REID: I am afraid I cannot answer that question without notice.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the gentlemen mentioned in the question are Congressmen or not?

The Hon'ble Mr. R. N. REID: Here again I must ask for notice.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government propose to pay any rent or compensation to these gentlemen?

The Hon'ble Mr. R. N. REID: I think there is a provision for payment of compensation under the Ordinance under the provisions of which these houses have been taken possession of.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government have paid any compensation or not?

The Hon'ble Mr. R. N. REID: I have no information on the subject.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to look into the matter?

The Hon'ble Mr. R. N. REID: I submit that the question is a request for action.

Sub-Registrar, Kalkini, Faridpur.

*155. **Maulvi TAMIZUDDIN KHAN:** (*a*) With reference to the reply given to starred question No. 54 at the Council meeting held on the 16th February, 1932, will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the people of Kalkini have sent a number of representations to Government through responsible public bodies such as union boards praying for the re-opening of the sub-registry office at Kalkini; and

(*ii*) whether the Government have come to a final decision on the question?

(*b*) Are the Government considering the desirability of re-opening the office by appointing a paid sub-registrar or in the alternative considering the practicability of running the office at Kalkini by appointing either the *khas tahsildar* of Kalkini or the Muhammadan Marriage Registrar of the place as an *ex-officio* sub-registrar?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) Yes.

(*ii*) No.

(*b*) The alternative now suggested will be examined.

Alleged maltreatment of a chaukidar at the Begumganj police-station.

*156. **Babu HEM CHANDRA ROY CHOUDHURI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that the President of Union No. 8 of the police-station Begumganj submitted a written complaint to the District Magistrate in June last, alleging that one of the chaukidars carrying information of theft to the police-station was roughly handled at the thana?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the complaint showing what action, if any, has been taken on the complaint?

The Hon'ble Mr. R. N. REID: (*a*) Yes.

(*b*) A copy of the complaint is laid on the Library table. The complaint is under inquiry.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state the name of the officer who is in charge of the inquiry?

The Hon'ble Mr. R. N. REID: I do not know who is the particular officer in charge of this inquiry, but I presume it is the District Magistrate or one of the subordinates.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state when this inquiry was begun?

The Hon'ble Mr. R. N. REID: I have no idea when this inquiry began.

Babu HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether the allegations made in the complaint are not serious enough for prompt action?

The Hon'ble Mr. R. N. REID: Possibly so, but I am not aware that prompt action has not been taken.

Officiating Munsifs.

*157. **Maulvi MUHAMMAD HOSSAIN:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the number of munsifs (officiating) retrenched; and

(*ii*) the percentage of Hindus and Muhammadans amongst them?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. R. N. Reid): (*i*) Some munsifs have been kept vacant and, therefore, no persons have been appointed to fill them. It is not correct to say that any officiating munsifs have been retrenched.

(*ii*) Does not arise.

Convicts and detenus in connection with the civil disobedience movement.

***158. Mr. ANANDA MOHAN PODDAR:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing the figures, district by district,—

(*i*) the number of persons, male and female, convicted of offences in connection with the civil disobedience movement during the last one year;

(*ii*) the number of persons at present detained in the different jails under such convictions;

(*iii*) the number of persons at present detained in the Bengal jails without trial;

(*iv*) the names of persons at present detained in Bengal outside jail without trial with the places of their detention; and

(*v*) the names of persons at present detained outside Bengal without trial with the places of their detention.

The Hon'ble Mr. R. N. REID: (*i*), (*ii*) and (*iii*) A statement is laid on the table.

(*iv*) and (*v*) Government are not prepared to give this information.

Statement referred to in clauses (i), (ii) and (iii) of starred question No. 158.

Districts	Number of persons male and female convicted for offences in connection with the civil disobedience movements from January, 1932, to May, 1932		Number of persons male and female convicted and detained in jails on the 23rd July, 1932.		Number of persons detained under the Ordinances in jails without trial on the 23rd July, 1932.	
	Male	Female	Male	Female	Male	Female
Burdwan	256	21	9	2		
Birbhum	22	2				
Bankura	293	46				
Midnapore*	1,153	77	38	6		
Hooghly	593	13	1	11		
Howrah	137	4				
24-Parganas†	900		139			

*Hijli Additional Special Jail - 1,478.
†Dum Dum Special Jail -693
Dum Dum Additional Jail -561
Dum Dum Second Additional Jail—503.

Districts.	Number of persons male and female convicted for offences in connection with the civil disobedience movements from January, 1932, to May, 1932.		Number of persons male and female convicted and detained in jails on the 23rd July, 1932.		Number of persons detained under the Ordinances in jails without trial on the 23rd July, 1932.	
	Male.	Female.	Male.	Female.	Male.	Female.
Calcutta	1,163	95	24	21	..	..
Nadia	268	18	1	10	..	..
Murshidabad	203	13	..	125	..	..
Jessore	118	21	..	..	..	..
Khulna .. .	200	19	..	..	..	..
Rajshahi	163	11	20	1	1	..
Dinajpur	318	32	..	..	..	..
Jalpaiguri	282	..	1	..	..	..
Darjeeling	32	..	5	..	..	..
Rangpur .. .	72	16	..	5	..	..
Bogra	199	25	..	..	..	..
Pabna . ..	387	22	3	4	..	..
Dacca	506	61	53	12	1	..
Mymensingh	69	..	1	.	.	.
Faridpur	394	2	5	..	..	..
Bakarganj . .	70	1	2	9		..
Tippera . ..	624	58	32	1	.	..
Chittagong .. .	25			3	5	.
Malda ..	16		.			..
Noakhali	223	5		..	.	.
Chittagong Hill Tracts	..		.	.		.

The civil disobedience movement of 1930 ceased in March, 1931, and was restarted from January, 1932, so the figures given in the statement for the period January to May, 1932, are the figures for the last year.

Mr. NARENDRA KUMAR BASU: With reference to the schedule referred to in reply to answer (*iii*), will the Hon'ble Member be pleased to state whether there are any persons in the jails in Bengal who are detained without trial but not under the Ordinance?

The Hon'ble Mr. R. N. REID: There must be a number of persons undertrial in jails in Bengal.

Mr. NARENDRA KUMAR BASU: I am not talking of undertrials, but I am talking of those who have not been brought to trial but have been detained in jail without being brought before a court of law.

The Hon'ble Mr. R. N. REID: I must ask for notice of this question.

Depressed classes clerks in the Civil Courts at Bakarganj.

*159. **Babu LALIT KUMAR BAL:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the years 1931 and 1932—

(i) how many clerks have been appointed in the Civil Courts of the Bakarganj district;

(ii) how many of them are Hindus and Muhammadans respectively; and

(iii) how many of them belong to the depressed classes and what are their names and castes?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. R. N. Reid): A statement is laid on the table.

Statement referred to in the answer to starred question No. 159.

Year	Number of clerks appointed	Number of Hindu clerks	Number of Muhammadan clerks	Number of depressed class (Hindu)	Names and castes of the depressed class (Hindu clerks) shown in column 5	Remarks.
1	2	3	4	5	6	7
1931	20	8	11	1	(1) Babu Pulin Behari Das (Washerman)	There was one Christian
1932	5	2	3	2	(1) Babu Suresh Chandra Nath (Jugi) (2) Kshitish Chandra Seal (Barber)	

Babu LALIT KUMAR BAL: Will the Hon'ble Member be pleased to state whether it is a fact that *jugi* and the barber communities do not fall within the category of the depressed classes according to the circular issued by the Government on the 28th April, 1931?

The Hon'ble Mr. R. N. REID: I must ask for notice so that I might look into the document to which the member refers.

Babu LALIT KUMAR BAL: Will the Hon'ble Member be pleased to state whether the District Judge of Bakarganj violated the Government circular of 28th April, 1931, by supposing that the two communities I have mentioned come under the category of depressed classes?

Mr. CHAIRMAN: I cannot allow that question.

Babu AMULYADHAN RAY: Will the Hon'ble Member be pleased to state what steps Government is going to take with regard to the candidates who have been appointed as belonging to the depressed classes but who as a matter of fact do not come under the classification of backward classes for ministerial appointments?

Mr. CHAIRMAN: That is again a matter which the Hon'ble Member cannot answer without looking into the circular.

Mr. SYAMAPROSAD MOOKERJEE: Has the Hon'ble Member any explanation to offer as to why favour has been shown to barbers and washermen? (Laughter.)

Babu LALIT KUMAR BAL: Will the Hon'ble Member be pleased to state whether according to the circular I have mentioned one-third of the ministerial appointments should go to the depressed classes?

Mr. CHAIRMAN: That is again a question which the Hon'ble Member cannot answer without referring to the circular.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Arrests in Howrah Town Hall and Municipal Office.

78. Dr. AMULYA RATAN GHOSE: (*a*) Is the Hon'ble Member in charge of the Political Department aware that people are being arrested for hoisting the Congress flag on the Howrah Municipal Office building?

(*b*) If so, under which section of what Act were these arrests stated to have been made?

(*c*) Are the Government proposing to issue instructions to the officers concerned to stop making such arrests?

The Hon'ble Mr. R. N. REID: (*a*) and (*b*) No person was arrested for hoisting a Congress flag on the Howrah Municipal Office building. Some persons were arrested and prosecuted under section 17 (*1*) of the Indian Criminal Law Amendment Act (Act XIV of 1908) for holding unlicensed processions and unauthorised meetings at the Howrah Town Hall and Municipal Office in defiance of an order under section 144, Criminal Procedure Code, issued by the District Magistrate.

(*c*) Does not arise.

Allowances of détenus interned in the Rajshahi district.

79. Mr. SRANTI SHEKHARESWAR RAY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a complete list of persons—

(*i*) at present interned in various places in and outside Bengal under the Bengal Criminal Law Amendment Act; and

(*ii*) the amount of the allowance each gets from the Government?

(*b*) Is it a fact that the amount of allowance granted to certain détenus interned in the Rajshahi district has been reduced recently? If so, why?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) and (*ii*) Government decline to give this information.

(*b*) The allowance sanctioned for one détenu in Rajshahi district was reduced because the District Magistrate reported that the reduced allowance would be adequate.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*a*) (*i*) and (*ii*), will the Hon'ble Member be pleased to state why Government decline to give this information?

The Hon'ble Mr. R. N. REID: It has not been the practice in the past nor Government consider it desirable to do so in the public interests.

Mr. SHANTI SHEKHARESWAR RAY: With reference to answer (*b*), will the Hon'ble Member be pleased to state whether it is the practice to reduce such allowances on the reports of District Magistrates?

The Hon'ble Mr. R. N. REID: I am afraid I do not understand what the member means by "practice." Allowances have been reduced on the reports of District Magistrates.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if it is the practice of the Government to reduce the allowances of détenus on the reports of District Magistrates?

The Hon'ble Mr. R. N. REID: I have already answered this question.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether there is any scale according to which allowances to détenus are paid?

The Hon'ble Mr. R. N. REID: There is not a fixed scale. The allowance in each case is based on the circumstances of the case.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether the détenu concerned is given an opportunity to make any observations with regard to the reduction of the scale of allowance?

The Hon'ble Mr. R. N. REID: I do not think there is anything to prevent him from doing so.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government received a petition from the particular détenu in the Rajshahi district?

The Hon'ble Mr. R. N. REID: I must ask for notice.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether the détenu concerned is given an opportunity to make a representation before the final order is passed?

The Hon'ble Mr. R. N. REID: I have already stated that there is nothing to prevent him from making a petition before orders are passed.

Estates sold for arrears of Land Revenue, Cess and other dues.

80. MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the last five years district by district the number of estates—

(*i*) sold for arrears of land revenue;

(*ii*) sold for arrears of Road and Public Works cess;

(iii) sold for other Government dues; and

(iv) taken over by the Court of Wards?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): A statement is laid on the Library table.

MUNINDRA DEB RAI MAHASAI: Considering the large number of estates which have been sold in recent years for arrears of land revenue, will the Hon'ble Member be pleased to state what action is proposed to be taken to save estates from being sold at this time of unprecedented distress?

The Hon'ble Sir PROVASH CHUNDER MITTER: The number of whole estates sold for arrears of land revenue in 1928-29 was 823 and the number of such estates sold in 1931-32 was 616. From these figures it will be seen that there has been a decrease in the number of estates sold for arrears of land revenue.

[Here Mr President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) took the Chair.]

Exclusion of "East Bengal Times" from the approved list of newspapers.

81. Maulvi ABDUL GHANI CHOWDHURY: (a) Is the Hon'ble Member in charge of the Political Department aware—

(i) that some time ago various Government offices throughout Bengal were circularised to the effect that the name of the *East Bengal Times* of Dacca should be removed from the approved list of newspapers;

(ii) that the *East Bengal Times* is the only English weekly in Eastern Bengal;

(iii) that according to Government information as stated in the said circular the circulation of the *East Bengal Times* is 1,000 copies; and

(*iv*) that some other papers having a less circulation than that of the *East Bengal Times* have been included in the list as the *Palli Mangal*, *Malda Akhbar* and *Gourdut* (the circulations of which are stated to be 500, 200 and 400 copies, respectively)?

(*b*) Is it a fact that a newspaper named *Swayattasashan* has been included in the list of approved papers, even though its circulation is stated to be "not known" to the Government?

(*c*) Will the Hon'ble Member be pleased to state what method is adopted by Government to ascertain the circulation of the paper which is approved or not approved for the publication of Government advertisements?

The Hon'ble Mr. R. N. REID: (*a*) (*i*) Yes.

(*ii*) No.

(*iii*) Yes.

(*iv*) Yes, with the exception of the *Palli Mangal* which is not in the approved list.

(*b*) The circulation of the *Swayattasashan* is known

(*c*) By local inquiries.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state the reasons for the exclusion of the *East Bengal Times* from the approved list of Government?

The Hon'ble Mr. R. N. REID: Because the tone of the paper was bad.

Rai Bahadur SATYENDRA KUMAR DAS: With reference to answer (*a*) (*ii*), will the Hon'ble Member be pleased to state the names of other weekly papers?

The Hon'ble Mr. R. N. REID: I must ask for notice.

GOVERNMENT BILL.

The Bengal Municipal Bill, 1932.

[The discussion on the Bengal Municipal Bill, 1932, was then resumed.]

Clause 112.

Mr. PRESIDENT: The question is that clause 112 stand part of the Bill.

Maulvi HASSAN ALI: Sir, I beg to move that in clause 112 (*1*) (*a*), in line 2, for the word "fifteen" the word "ten" be substituted.

Sir, we are all aware that the whole country is at the present moment groaning under economic distress. So it will be very hard for the rate-payers, especially in smaller municipalities, if they have to pay the municipal rates on the annual value of their holdings by 15 per cent. or even 10 per cent. Of course in bigger municipalities they may be able to pay 10 per cent. but not 15 per cent. In the smaller municipalities, it will, however, be very difficult to pay more than 7½ per cent. which is the prevailing rate under the present Municipal Act. I think, therefore, that the rate of 7½ per cent. should not exceed in case of smaller municipalities and in case of bigger municipalities the rate of 10 per cent. may be imposed.

3 p.m.

MUNINDRA DEB RAI MAHASAI: Sir, I am sorry to differ from the views of the mover of this amendment who wants to substitute the word "ten" in place of the word "fifteen." The Bill provides that the rate in holdings shall not be imposed in any municipality included in Schedule V at a rate exceeding fifteen *per centum*. Fifteen is the maximum *per centum* and I quite agree that the maximum cannot be reached for some time to come owing to unprecedented financial crisis through which the country is now passing, but, Sir, the Bill is not meant only for the present but for the future that lies ahead. It may not be possible to raise the rate even by 1 or 2 *per centum* at the present moment, but this state of things cannot continue for all time to come. Increase in *per centum* may be held back till the dawn of better days. There is no harm in having this provision in the Statute Book.

Municipalities included in Schedule V are big municipalities and unless additional funds are raised, they will never be in a position to cope with the growing demand for better sanitary arrangements.

For instance, I can refer to the Howrah Municipality. The condition of its open drains is simply appalling and is a disgrace to

any municipality. It is a source of constant menace to the health of the town. But for the intervention of the river it would have formed part and parcel of the city of Calcutta. Yet it has a great future before it. It was the premier municipality in the *mufassal* only next to Calcutta. Unless there is a marked improvement in its finance, there is no hope for its further development. Such is also the case with the other big municipalities included in Schedule V and they should not grudge the increase in the maximum *per centum*.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. The maximum was 7½ *per centum*, but it is now proposed to increase it in the case of average municipalities to ten *per centum*, and in the case of municipalities included in Schedule V, namely, Dacca, Darjeeling, Howrah and Chittagong, to fifteen *per centum*. The maximum is only indicated here; it is not compulsory that the maximum assessment must be made in every case; it will depend upon the municipal commissioners whether they will fix the maximum or not. Unless the maximum limit is raised, how can a municipality be expected to discharge the various obligations which this Bill proposes to impose on them? It is only a lead which this Bill will give to the commissioners. It is not compulsory that the maximum should be assessed all at once; it is only the limit which should be fixed.

The motion of Maulvi Hassan Ali was then put and lost.

MUNINDRA DEB RAI MAHASAI: Sir, may I have your permission to move the motion that stands in the name of my friend Rai Satish Chandra Mukherji Bahadur as my own motion?

Mr. PRESIDENT: Yes.

MUNINDRA DEB RAI MAHASAI: I beg to move that in clause 112 (*1*) (*a*), in lines 3 and 4, for the words "ten *per centum*" the words "nine *per centum*" be substituted. The increase of 2½ *per centum* would be a big jump. It would be better to advance step by step and meet the oppositionists half way. It would then be 8¾ *per centum*, but as there is no motion to that effect, I hope, 9 *per centum* will be accepted as a compromise. I should like to impress on the Minister the fact that the condition of things are not the same in all municipalities in the *mufassal*. The maximum may be fixed but should not be enforced everywhere. A sliding scale may be adopted to suit local conditions. We should, however, remember that although the increased burden will fall on the ratepayers, they will get in return greater benefits in civic life. For instance, in my municipality at Bansberia the ratepayers not only pay the maximum holding tax of seven and a half *per centum* but in addition to this they pay 4½ *per centum* for conservancy rates and 4½ *per centum* for water rate. Total 16½ *per centum* and in the near

future they will have to pay one *per centum* more when the street kerosene lamps will be replaced by electric lights. All the ratepayers are mostly in a very bad way owing to widespread financial depression, yet they do not grudge the increase as they get direct benefit for such payments. They find continuous supply of pure drinking water at their doors and the regular service of *methars*. For these two items individually they had to incur more expenditure than now. Better drainage requires more money and they will not grudge to pay more if it helps to decrease the amount they pay for the doctor's Bill. They are eager to have better education for their boys and girls and the municipality is not lagging behind to help them. It has provided for free primary education, but the ever bankrupt Government is hesitating to pay its share of the contribution under the Biss scheme.

I would like to appeal to the members to look ahead and not try to reduce the maximum or go back to the old days. This would be an extremely retrograde step.

Mr. NARENDRA KUMAR BASU: I rise to oppose this amendment. In doing so I shall ask the Rai Mahasai to re-read the speech he made on amendment 1269. I do not think it is necessary to give to this Council any other reasons for rejecting this amendment. As for the certificate that the Rai Mahasai has given to the Bansberia Municipality and its chairman, that is also a reason against the adoption of this amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. I do not think that I need repeat the arguments of Mr. Basu. He has fully explained that the Rai Mahasai should re-read his speech.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 112 (*1*) (*b*), in line 1, the word "exclusively" be omitted.

Sir, on any holding which is used exclusively as a place of public worship to which the public have the right of free access without payment, the word "exclusively" is superfluous and will bring in many practical difficulties. There I propose that the word "exclusively" be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. The word "exclusively" is very important; otherwise, if a part of a residential building is used as a place of public worship, this concession may be claimed. Why should the municipalities suffer for the benefit of the owner of a private residence?

The motion of Dr. Amulya Ratan Ghose was put and lost.

Babu KHETTER MOHAN RAY: I beg to move that in clause 112 (*1*) (*b*), in lines 1 and 2, after the words "a place of worship" the words "a meeting place or a library" be inserted.

Sir, I want to add these words in order to include the town-hall and public library to which the public have right of free access, within the purview of this clause. These are useful public institutions which should be exempted from payment of taxes. No doubt, it may be said that the commissioners can grant contributions to these institutions. But I can say that at Comilla instances arose where such institutions presided over by the District Magistrate were not only not deprived of contributions by the commissioners, but were assessed to heavy holding taxes. These institutions should not be left to the whims and caprices of the commissioners. Therefore I should say that some provision should be made so that such public institutions as town-halls and public libraries are exempted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. What would be the effect if this amendment is accepted. Mr. Ray suggests that any place of meeting should be exempted from the rates. It is a very vague expression, Sir, and what does he mean by a place of meeting? As regards libraries, if they are deserving institutions, they should get a grant from the municipality; it is no reason why they should be exempted from the rates. That is the principle which is also followed in Calcutta. If a library is considered a deserving institution, the Corporation gives a grant, but it is not exempted from the rates. That procedure should be followed also in the case of *mufassal* municipalities.

The motion of Babu Khetter Mohan Ray was put and lost.

Rai Bahadur KAMINI KUMAR DAS: I beg to move that in clause 112 (*1*) (*b*), in line 3, after the word "access" the words "without payment" be omitted.

There is free access to buildings of public worship to which the public has the right of free access without payment. I fail to understand what this expression "without payment" means. I find from the report of the members of Select Committee that this alteration was suggested formally, and they have made this alteration in order to make the intention clear. Whether the intention is clear or not, it is for the hon'ble members of the House to consider. After all, a place of public worship where members enter without any payment, and if after going there the public pay something as *pranami* at the feet of the deity, or to the *shebait*, I do not know whether such holding should be excluded or whether such holding is liable to pay the rates. This is for the members of the House to decide. Formerly under section 98 of the old Act it

was said that all places of public worship should be excluded; it was so worded to distinguish between place of public worship and private worship as our *Bishnumandap*. There are some cases where people have free entry and after entry they pay something to the deity freely of their own accord, because our *shastras* enjoin the payment of *pranami* to the deity for its worship and maintenance, and for the help of *sanyasis* and *sadhus*. Therefore, it appears to me that the words "without payment" are redundant. If the intention is to make these places assessable, I think it is rather hard. With these words, I commend my amendment to the acceptance of the House.

3-15 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not think there is much difference between my view and the view of the hon'ble member because he would not only not impose this tax if the access is free, but he would not also impose any tax if a voluntary payment is made to the deity or to the *shebait*. That is not contemplated in the Bill. What is contemplated is free access to the deity without payment. Therefore, we agree. What is the difference? To make the meaning clear the Select Committee inserted this phrase. That is all. We do not want to tax temples only because visitors pay a voluntary contribution to the *shebait* or to the deity. That is not within the purview of this clause. If the access is free, there should be no tax.

The motion of Rai Bahadur Kamini Kumar Das was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that for clause 112 (*2*) the following be substituted, namely:—

"(*2*) The commissioners at a meeting may, either wholly or partially, exempt from the rates referred to in clause (*a*) of sub-section (*1*) any holding which is used exclusively for purposes of public charity or for purposes of free education."

Sub-section (*2*) of section 112 lays down that the commissioners at a meeting may, either wholly or partially, exempt from the rate on holdings any holding which is used exclusively for purposes of public charity. Although free education falls under the category of public charity, yet I want to remove doubts or ambiguities relating to the interpretation of the section that may arise in the course of the administration of the Act in the different municipalities in Bengal by the addition of the words "or for purposes of free education." This would also help to preserve uniformity in the application of this section.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am advised that free education is included in public charity; so this amendment is unnecessary.

The motion of Munindra Deb Rai Mahasai was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 112 (*2*), in line 2, after the words "any holding" the words "or part of a holding" be inserted.

In this clause it is laid down that "the commissioners at a meeting may, either wholly or partially, exempt from the rate on holdings any holding which is used exclusively for purposes of public charity." What I mean is that it is not always that an entire holding is leased for the purpose of public charity. Therefore, I suggest that part of a holding may also be exempted from such rates and taxes. I need not dilate upon this point much because it is very clear.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I am sorry it is not very clear to me. How can part of a holding be exempted from rates and taxes because a holding is assessed? If it is treated as a separate holding, it is to be re-numbered. How can the part of a holding be assessed is beyond my comprehension.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Babu KHETTER MOHAN RAY: I beg to move that in clause 112 (*2*) the words "or benefit" be added.

The clause, as it stands, says that commissioners at a meeting may exempt from rate on holdings any holding exclusively used for public charity. I would like to add that a holding exclusively used for the purpose of public benefit should also come under the purview of this clause. I do not see any reason why institutions beneficial to the rate-payers of a municipality should not be exempted from such a rate.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: The words "public benefit" are rather vague. Suppose a few members of the public go and play bridge, will it be public benefit so far as this clause is concerned? So, if these words are inserted, it will be difficult to exempt any holding.

The motion of Babu Khetter Mohan Ray was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 112 (*3*), in line 3, for the words "six rupees" the words "twenty-five rupees" be substituted.

In this sub-clause it is laid down that where the aggregate annual value of all the holdings held by any a owner within a municipality does not exceed six rupees, the rate on holdings shall not be imposed on any of the holdings of the said owner. Six rupees is too insignificant a sum. Therefore, I propose that "rupees twenty-five" be substituted instead. It does not require me to dilate much on this point. It is clear and I commend this motion to the acceptance of the House.

Babu SATYENDRA NATH ROY: I strongly oppose this amendment because my friend is not conversant, being connected with a municipality with an income of rupees twenty lakhs, with the conditions of other municipalities. In my municipality there are eight thousand holdings of which, I think, only one thousand are valued at Rs. 25 and in 80 per cent. of the municipalities there are holdings of which ten to twenty per cent. are valued at Rs. 25. Even in the Calcutta Municipal Act (section 126) power is given only to exempt land and holding of the value of Rs. 20 and in the present Act it is Rs. 6. Such exemption, as suggested by Dr. Ghose, if introduced, will empty the municipal purse.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I oppose this amendment. I need not say anything further.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Babu SATYENDRA NATH ROY: I beg to move that in clause 112 (4), in line 1, after the words "the Local Government may" the words "on the recommendation of the commissioners of the municipality concerned" be inserted.

My object in moving this motion is that Government should take action in improving or excluding——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I at this stage say that I am prepared to accept this amendment subject to Mr. Roy's omitting the words "of the municipalities concerned"? The Legislative Department are of opinion that these words are unnecessary.

Babu SATYENDRA NATH ROY: I agree.

The motion that in clause 112 (4), in line 1, after the words "the Local Government may" the words "on the recommendation of the commissioners" be inserted, was put and agreed to.

Mr. PRESIDENT: The question is that clause 112, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 113.

Mr. PRESIDENT: The question is that clause 113 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 113 (*1*) (*b*), in line 3, after the word "tanks" the words "or on vacant or unused and uninhabited land" be inserted.

The clause lays down that the rate shall not be imposed on land used exclusively for purposes of agriculture or on any holding consisting only of tanks. After this word "tanks" I want to insert the words I have just mentioned. The reason for which the tanks have been exempted holds good in the case of unused or uninhabited or vacant land. In the case of tanks the owner of it may get some sort of income, but in the case of unused and vacant land the owner does not get any kind of income. Therefore, there is the more reason why such lands should be exempted from taxes. It is a very reasonable proposal and I hope this will be accepted.

Babu BENOD BIHARI SARKAR: I beg to oppose this amendment. It is not necessary to insert these words in view of what is contained in clause 128. If the hon'ble member will kindly read that clause, he will find that it provides for the remission or refund of rates when a holding remains vacant. Moreover, the words "vacant land" are somewhat vague and they may give rise to practical difficulty.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that clause 113 (*3*) be omitted.

This clause is a very unworkable and impracticable thing and I do not think this will be of any good if retained. On the face of it, as the thing is there in the clause, it is quite obvious that this sort of thing can hardly be made practicable within a municipality. That is why I propose that this sub-clause be omitted.

Babu SATYENDRA NATH ROY: I oppose this amendment. My friend says it is unworkable, but I think it is quite workable because it will relieve persons who live at a distance from the tanks and it is a very just clause. So I object to the amendment.

3-30 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The charges must vary with the distance from the nearest stand-pipe, and this is the existing law. I would refer the hon'ble member to section 279 of the existing Act. So I do not think that the clause is unworkable as he seems to suppose.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. PRESIDENT: The question is that clause 113 stand part of the Bill.

The motion was put and agreed to.

Clause 114.

Mr. PRESIDENT: The question is that clause 114 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that after clause 114 (*1*) (*b*), the following be added, namely:—

> "*Explanation.*—The provision of an underground sewer for carrying night-soil and sewerage would amount to a provision for cleansing of latrines, urinals and cesspools under this clause."

Sir, I need not say anything on the motion: I simply move it.

Mr. H. P. V. TOWNEND: Sir, I may say on behalf of Government that Government have every sympathy with the object of this amendment. The only thing is that on looking into the matter we find that the explanation suggested would introduce difficulties into the Bill. In some municipalities in Bengal there is a system of underground sewerage which is not connected up with latrines, etc. If the amendment is accepted, then a municipality would be enabled to evade its duty of cleansing the latrines and I think it would not be right to give any chance to a municipality to evade its duty in this respect. The acceptance of this explanation would mean that the municipality could put in some sewers with two or three depots within the area and then would not do the work of cleansing the latrines in return for the tax levied. The only doubtful point about the clause, as it stands, lies in the words "and cesspools." No sewerage system in Bengal could directly cleanse cesspools: it might, therefore, seem that the levy of the tax would be impossible if a sewerage system is introduced, because it would be impossible to satisfy the condition, laid down in this clause, of cleansing cesspools. But this is not so. If cesspools remained after a sewerage system were introduced, it would be the duty of the municipality to cleanse them. But if the municipality wanted to avoid having

to do this, it could do so by utilising clause 341 of the Bill,—if of course it is passed by the House. Under this clause it could order all cesspools within the area to be closed: and then clause 114, as it now stands, would be adequate, and would cover the whole purpose of the amendment which the mover seeks to introduce. I hope that this explanation will satisfy the mover and that he will see his way to withdraw his motion.

The motion of Dr. Amulya Ratan Ghose was then, by leave of the Council, withdrawn.

Dr. AMULYA RATAN GHOSE: I beg to move that after clause 114 (*1*) (*c*), the following be inserted, namely:—

"(*d*) that the rate shall not exceed fifty *per centum* of the conservancy rate where special arrangements such as septic tanks, latrines and the like are made by the owner or occupier of holdings the annual valuation of which is less than five thousand rupees;

(*e*) that the rate shall not exceed twenty *per centum* of the conservancy rate where no arrangement (as the case of shops, etc.,) is made for privies, urinals or septic tanks."

Sir, it is a matter of common knowledge that private owners of holdings construct septic-tank latrines at their own cost and they provide for the cleansing, etc., of these latrines at their own cost, and in such cases it is highly unreasonable that they should be compelled to pay as much taxes as one who will avail of all the services of cleansing latrines by the municipal conservancy department. There are holdings, I mean holdings which are inhabited by Europeans where they have got their own latrines—the commode system—and they employ their own *methars*. They should not be compelled to pay the full amount of conservancy rates because they do not get the full conservancy services like other owners. Therefore, my suggestion is that in such cases where that sort of special arrangements exist, 50 per cent. of the conservancy rates should be charged and where there are no such arrangements of course full rates will be charged. In the case of shops, etc., the rates should not exceed 20 per cent. There are towns where the shopkeepers have got no latrines or urinals. They simply go to their shops, sell their stocks and go away. That is not their permanent abode, and, therefore, they should also be exempted from paying the full amount of taxes. That is why I have made this distinction between two classes of inhabitants in a municipality and these two classes should have special consideration in respect of the conservancy rates. With these words, I commend my motion for the acceptance of this House.

Rai Bahadur Dr. HARIDHAN DUTT: I rise to oppose this amendment. My friend is raking up a principle which, if once accepted, we do not know where it will end. May I draw his attention to the fact that in Calcutta when there was a scarcity of water many ratepayers sunk tube-wells within their premises? Might I ask Dr. Ghose whether those who sunk tube-wells should be exempted from the water-tax? This is against the principle of living in a municipality where the ratepayers join each other in the form of a confiderac y for the common good of all. Some people may be fortunate enough to be able to afford to have their own septic tanks: I do not see why my friend should be anxious to help such rich people. The rich who can afford to have these things should not grudge paying the ordinary municipal rates and taxes. If we introduce this system and if it is extended to Calcutta, many tax-payers who have sunk tube-wells will have to be exempted from the water-rates.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. If this principle is accepted, then it may lead to considerable difficulties and it may affect the finances of the municipality because the introduction of septic tanks by special arrangements by half a dozen ratepayers would not appreciably decrease the cost of the municipality on conservancy. So, if a rich ratepayer comes forward and say "I have made my own arrangements, I am not going to pay the conservancy rates," then the municipal finances will suffer. Sir, I refer the hon'ble member to clause 114 (3) where an exception has been provided for; any one coming under that exception will automatically get reduction; so I think it is not at all necessary to introduce this safeguard.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

Mr. C. C. COOPER: With your permission, Sir, I propose to change the amendment of which I have given notice. I move that the fullstop at the end of the proviso to clause 114 (3) be deleted and the following be added:—

"which is, in the opinion of the Local Government, of sufficient capacity and in every respect adequate for the efficient treatment and disposal of all sewage in the area served by it".

Sir, the proviso, as it stands, is too arbitrary, and obviously needs qualifying. The amendment supplies a very reasonable qualification to the clause.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, Government are prepared to accept this amendment.

The motion of Mr. C. G. Cooper was then put and agreed to.

Babu KHETTER MOHAN RAY: I beg to move that after the proviso to clause 114 (*3*) the following be added, namely:—

> "Provided also that in the case of a market, stall-keepers and vendors and other persons selling goods shall be held to be persons living within or habitually resorting to the same."

Mr. President, Sir, my reason for moving the amendment is to make the meaning of the phrases "living within or habitually resorting to the same" clear and unambiguous. The meaning is not so clear as it at first sight seems to be. At Comilla, the municipal authorities, who were not pulling well with the officials of the Tripura Raj Estate, taking advantage of the sections 325 and 326 of the present Act in which the identical phrase occurs, wanted to assess an excessive tax on a market belonging to the Tripura Raj. Procedure adopted by the commissioners is this: They stationed two peons on each gate of the market, who took census of the persons entering it from early morning till night when the market closed, for two or three successive days or thereby, the commissioners said, they succeeded in ascertaining the number of persons habitually resorting to the market. Though this is not the intention of the legislature, it is clear that these words are capable of such interpretation as was done at Comilla by the commissioners. It is reasonable in order to avoid any ambiguity; the meaning should be made clear. Therefore, I have moved the said amendment. I hope the House will accept it.

3-45 p.m.

Babu BENOD BIHARI SARKAR: Sir, I beg to oppose this amendment. It is first of all unnecessary. If the hon'ble mover will kindly go through clause 115, he will see that it has been laid down that the commissioners may require the owner or occupier of any holding to furnish a true and correct list of the number of persons living within, or habitually resorting to, such holding for the purpose of determining the conservancy rate. No separate clause, as suggested, is, therefore, necessary. Moreover, the mover wants to exclude customers frequenting markets or shops for the purpose of calculation. This is not reasonable. Why should not be conservancy rate be fixed in relation to the number of customer habitually using privies and urinals? I, therefore, oppose the amendment.

Mr. NARENDRA KUMAR BASU: I think the member who has spoken on behalf of Government has not understood what the proposed amendment means. In clause 114 (*2*) powers are given to commissioners to levy the rate at a certain amount per head on the number of

persons living within or habitually resorting to such premises or places. The proposal is that in the case of markets, the commissioners should not be asked to try and do the impossible, that is to say, levy a rate on the number of persons resorting to a market for the purpose of marketing. That is a fluctuating body and is never constant. So, it will be impossible for the commissioners to levy a rate on the number of persons going to the market for the purpose of purchasing goods. Moreover, I do not think it is either practicable or just on the part of the member who has just spoken for Government to say that the clause does not include purchasers and that no one would be likely to take them into account. The mover of the amendment has shown that in one municipality at least the impossible was attempted and such foolish action might be taken by other people also if this is not made clear. I, therefore, whole-heartedly support the amendment.

Khan Bahadur MUHAMMAD ABDUL MOMIN: I think there is a lot of misapprehension about this proviso. I think in clause 114 (2) there are only two alternative methods of compounding the rates or of taxes, and the discretion is entirely with the commissioners as to how this should be done. They may either take one method or the other method. If the party assessed is not satisfied or if the municipality is so unreasonable as to adopt the method which Babu Khetter Mohan Ray has suggested, I think the assessee can very well say that he is not going to compound in that way. He will pay it in the ordinary way. The amendment is, therefore, absolutely fallacious and I oppose it.

Mr. H. P. V. TOWNEND: I have nothing to add to the speech of the Khan Bahadur who has said just what I was going to say in opposition to the amendment. I oppose the amendment.

The motion of Babu Khetter Mohan Ray was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. S. C.
Choudhuri, Babu Kisheri Mohan.
Choudhury, Maulvi Nurul Absar.
Chuttariah, Maulvi Muhammad.
Ghosh, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Rai Mahasai, Manindra Deb.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Hamid.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Bai, Babu Lalit Kumar.
Bai, Rai Sahib Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Khan Sahib Maulvi Mohammed.
Birkmyre, Mr. H.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Ghuznavi, Maulvi Nur Rahmon Khan.
Farequi, the Hon'ble Nawab K. D. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdel-kerim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. G. R.
Hodge, Mr. J. D. V.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Hussain, Maulvi Latafat.
Khan, Maulvi Amin-ur-Zaman.
Khan, Mr. Razaur Rahman.
Lesson, Mr. C. W.
Mitter, the Hon'ble Sir Provash Chunder.
Momin, Khan Bahadur Muhammad Abdul.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Petre, Mr. B. F.
Philpot, Mr. H. C. V.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F. M. Abdur-.
Ray, Babu Nagendra Narayan.
Roy Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Ross, Mr. J.
Ray, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Sarkar, Babu Beoed Bihari.
Sarker, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girish Chandra.
Stapleton, Mr. H. E.
Thomas, Mr. M. P.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 24 and the Noes 56, the motion was lost.

Mr. PRESIDENT: The question is that clause 114, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 115.

Mr. PRESIDENT: The question is that clause 115 stand part of the Bill.

Maulvi HASSAN ALI: I beg to move that clause 115 be omitted. I think, Sir, this clause is redundant. This is always done and is really not necessary. I, therefore, propose the omission of this clause.

4 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The clause is not redundant; it exists in the present Act and it is very necessary to fix a conservancy rate to find out the number of people living in the premises.

The motion of Maulvi Hassan Ali was then put and lost.

Mr. PRESIDENT: The question is that clause 115 stand part of the Bill.

The motion was put and agreed to.

New clause 115A.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move that after clause 115 the following be added, namely:—

"115A. In any municipality not included in Schedule V, the aggregate of the rates charged under sections 112, 113 and 114 shall not exceed twenty *per centum* on the annual value of holdings."

Sir, the object of my amendment is that if no maximum is fixed of the total taxation, the rates levied would amount to 27½ per cent. in the smaller municipalities and 32½ in the larger ones. Even the Calcutta maximum is 23 and it is not proper to have a municipal tax of more than 20 per cent. on the annual value of the holding, in the *mufassal*.

Babu SATYENDRA NATH ROY: I give my support to the amendment moved by Mr. Basu. It is very necessary for at present under the Calcutta Municipal Act the maximum rate is 23 per cent.; but as far as I am aware—and I think my friend Rai Bahadur Dr. Dutt will support me—within the last 40 years the rate has not been higher than 19½ per cent. It is proposed to give powers to the municipalities to impose a rate of 10 per cent. on the annual value of holdings, 7½ per cent. water rate, 3 per cent. lighting rate and 7 per cent. conservancy rate, the total being 27½ per cent. I think there must be a limit to the total percentage of the rates and what we now call in Calcutta as the consolidated rate is not more than 23 per cent. I fail to see the reason why in the *mufassal* it should be more than 20 per cent. It is absolutely necessary, and the municipalities should adjust the different rates in such a way that the total rate is not higher than 20 per cent. With these observations, I support the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. The mover has said that the rate should not be fixed at more than 20 per cent. as it would be improper to do so. But I would just remind him that under the existing Act it is now 25 per cent. which consists of 7½ per cent. as holding rate, 7½ per cent. water rate, 3 per cent. lighting rate and 7 per cent. conservancy rate.

Sir, Mr. Roy has said that in Calcutta the rate is 19½ per cent. and the maximum that can be charged under the Act is 23 per cent. So he seems to think that the rate should not be more than the Calcutta rate. I would remind him, Sir, of the difference in the system of assessment between Calcutta and the *mufassal* municipalities. In

Calcutta in the case of rented buildings the annual value is assessed on the rent *minus* a certain percentage as the cost of repairs. But in the case of residential buildings, the annual value is assessed on the capital value of the land *plus* the capital spent on the construction of the building *minus* depreciation; whereas in *mufassal* municipalities the rate is assessed on the letting value of the land and the letting value of the building, so that makes a good deal of difference between the Calcutta rates and the *mufassal* rates. The system of assessment is entirely different; so what is 25 per cent. in the *mufassal* is certainly much less than what is 19½ per cent. in Calcutta, because here the cost of the land is taken into consideration, whereas in the *mufassal* it is not the capital value of the land but its letting value which is taken into account; and that is what my friends forget. The existing rate is 25 per cent. and Mr. Basu proposes that it should not exceed 20 per cent; so it will be a retrograde proposal. At the same time, I would remind my friend how many new responsibilities we propose to impose on these municipalities; in order to enable them to meet the additional obligations, we must increase the sources of income at the disposal of the municipalities. For these reasons, Sir, I oppose this amendment.

The motion of Mr. Narendra Kumar Basu was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Birkmyre, Mr. H.
Chatterjee, Mr. B. C.
Choudhuri, Babu Kisheri Mohan.
Choudhury, Maulvi Nural Abcar.
Faziullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hossain, Maulvi Muhammad.
Huq, Mr. A. K. Fazl-ul.
Khan, Maulvi Tamizuddin.
Maiti, Mr. R.
Momin, Khan Bahadur Muhammad Abdul.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Munindra Deb.
Ray, Babu Amulyadhan.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hoseni.
Ray, Babu Satyendra Nath.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Shah, Maulvi Abdul Kamid.
Thomas, Mr. M. P.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Armstrong, Mr. W. L.
Bakh, Maulvi Shaih Rahim.
Bal, Babu Lalit Kumar.
Bal, Rai Sahib Sarat Chandra.
Blandy, Mr. S. N.
Bose, Mr. S. M.
Chowdhury, Haji Badi Ahmed.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. C.
Dey, Rai Bahadur Kamini Kumar.
Dey, Rai Bahadur Satyendra Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sunil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Henderson, Mr. A. G. R.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Khan, Maulvi Amin-uz-Zaman.
Khan, Mr. Razzer Rahman.
Lesson, Mr. G. W.

Mitter, the Hon'ble Sir Provash Chunder.
Mukerji, Mr. Mukunda Behary.
Nasirunddin, the Hon'ble Mr. Khwaja.
Philips, Mr. H. C. V.
Rahaman, Maulvi Azizur.
Rahaman, Mr. A. F. M. Abdur.
Ray Choudhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Sen, Mr. J.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Sarkar, Babu Saud Bihari.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Mr. B. R.
Sen, Mr. Girish Chandra.
Stapleton, Mr. H. E.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. H. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 28 and the Noes 48, the motion was lost.

4-15 p.m.

Clause 116.

Mr. PRESIDENT: The question is that clause 116 stand part of the Bill.

Babu KHETTER MOHAN RAY: I beg to move that to clause 116 (*1*) the following be added, namely:—

"subject to a deduction of a reasonable percentage on account of the annual repairs."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is in the existing Act. The present letting value shall form the basis. If the building is out of repair, the rental will necessarily come down. In a *mufassal* municipality the gross annual rental is calculated on the rent realised, and not on the percentage of the capital cost of the building. So I oppose this amendment.

The motion of Babu Khetter Mohan Ray was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that the proviso to clause 116 (*2*) be omitted.

The proviso to this clause runs thus: "provided that where the value so ascertained exceeds one lakh of rupees, the percentage on the annual value to be levied in respect of so much of the value as is in excess of one lakh of rupees shall not exceed one-fourth of the percentage determined by the commissioners under section 121."

This proviso is a concession to the well-to-do people, to the rich merchants, to the big millowners. There is no analogy to this in the Calcutta Municipal Act. If a person has a big holding, he should pay proportionately higher rate. According to Rosher in his Treatise on the Principles of the Law of Rating, rating must be equal, that is to say, that the method of assessment must be such as to assess all occupiers (owners in respect of the rate of holding) fairly and equally in proportion to the value of the property. This proviso should, therefore, be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment, because it will be very hard on owners of big properties in the *mufassal* if we are to charge taxes on the capital cost of the building. So provision for some concession has been introduced in this section, and this is an existing provision. It is nothing new. I oppose this amendment.

The motion of Munindra Deb Rai Mahasai was then put and a division taken with the following result:—

AYES.

Banerji, Mr. P.
Ghose, Dr. Amulya Ratan.
Maiti, Mr. R.
Poddar, Mr. Ananda Mohan.
Rai Mahasai, Munindra Deb.
Rout, Babu Hoseni.

NOES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Mr. Altaf.
Armstrong, Mr. W. L.
Baksh, Maulvi Shaik Rahim.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Faroqui, the Hon'ble Nawab K. G. M., Khan Bahadur.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sueil Kumar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Henderson, Mr. A. G. R.
Hodge, Mr. J. D. V.
Hussain, Maulvi Latafat.
Khan, Maulvi Amin-uz-Zaman.
Khan, Mr. Razaur Rahman.
Leesen, Mr. G. W.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nazimuddin, the Hon'ble Mr. Khwaja.
Petre, Mr. B. F.
Philpot, Mr. H. C. V.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Mr. R. N.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sarkar, Babu Sasee Bihari.
Sen, Mr. B. R.
Sen, Mr. Girish Chandra.
Stapleton, Mr. H. E.
Townend, Mr. H. P. V.
Twynam, Mr. H. J.
Wilkinson, Mr. N. R.
Woodhead, the Hon'ble Mr. J. A.

The Ayes being 6 and the Noes 41, the motion was lost.

Khan Bahadur MUHAMMAD ABDUL MOMIN: With your permission, Sir, I again remind you of the request that Mr. Thompson made the other day, and which you also supported, that as we are wasting the time of this House in this sort of divisions, you should use your discretion and ask members who are in favour of it, to stand up, or by any other means which you think fit.

Mr. SHANTI SHEKHARESWAR RAY: May I point out that the House has been very fair in connection with this legislation? There have been very few divisions so far.

Mr. PRESIDENT: I have often said that the Chair wholly disapproves the idea of any member calling a division light-heartedly;

[illegible] the remedy suggested very seldom proves effective. If 11 members support the member who has called the division by show of hands, I must ask the House to divide. That means that we are wasting time in two different ways; first, by counting the hands raised; and then by sending members to the division lobies. It must, therefore, be left to the good sense of the members themselves.

MUNINDRA DEB RAI MAHASAI: I beg to move that after clause 116 (*3*) the following be added, namely:—

"(*4*) The Local Government may direct that the proviso to sub-section (*2*) shall not have effect in any municipality which it may name in this behalf."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. This change has been made by the Select Committee, and I do not think any discrimination is justified. On this ground I oppose the amendment.

The motion of Munindra Deb Rai Mahasai was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that after clause 116 (*3*) the following be added, namely:—

"(*4*) The Local Government shall pay to the commissioners of every municipality at the close of each financial year the amount realized on account of court-fees affixed to all applications submitted before the commissioners to which under the law a court-fee is to be fixed. For the purpose of ascertaining the amount received on account of such court-fees, the Local Government may require the municipality to keep such accounts and submit such returns as it may consider necessary."

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir? The House has already refused this in another amendment. It has accepted the principle of court-fees. It is committed to it already. So I think this is out of place.

Dr. AMULYA RATAN GHOSE: In that case I will not proceed further with the amendment.

Mr. PRESIDENT: The question is that clause 116 stand part of the Bill.

The motion was put and agreed to.

[At 4-30 p.m. the Council was adjourned for prayer and it reassembled at 4-45 p.m.]

Clause 117.

Mr. PRESIDENT: The question is that clause 117 stand part of the Bill.

The motion was put and agreed to.

New Clauses 117A and 117B.

MUNINDRA DEB RAI MAHASAI: I beg to move that after clause 117 the following be inserted, namely:—

"117A. If, during the currency of any period prescribed by sub-section (*1*) of section 123, the ownership of any land or building, or portion thereof is subdivided into separate shares, the chairman may, on the application of any of the co-owners, after giving the other co-owners an opportunity to be heard, divide the assessment of such land, building or portion in the following manner, namely:—

(*i*) If the ownership be subdivided into two or more shares without separate allotments, or if as the result of such subdivision there is a separate allotment of such land, building or portion into two or more separate portions, which are not entirely independent, the chairman may, if he thinks fit, apportion the assessment among the shareholders according to the value of their respective shares without assigning any separate number;

(*ii*) if, as the result of such subdivision, there are separate allotments of such land, building or portion and, if such allotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of this Act or of any rules or bye-laws made thereunder relating to buildings, the chairman may, if he thinks fit, assess such portions separately after assigning to them separate numbers under this chapter: Provided that by such separate assessment the total assessment for the entire premises shall not be increased;

(*iii*) if such separated portions of such land, building or portion are, or are made, entirely independent and capable of separate enjoyment in conformity with the provisions of this Act or of any rules or bye-laws made thereunder, relating to buildings, the chairman shall assess each portion separately by assigning a separate number thereto; provided that by such separate assessment the total assessment for the entire premises shall not be increased: Provided also that such apportionment or separation of the numbers and assessment, as the case may be, shall remain in force and the rate shall be levied accordingly until the expiration of the said period.

117B. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the chairman shall assess them, on amalgamation after assigning to them, one or more numbers, as the case may be, for the purpose of this chapter:

Provided that no assessment on amalgamation of premises shall be made by the chairman unless there is a cause for the revaluation of any such premises except on an application being made to him by the owner or owners thereof, in which case such assessment, if made, shall remain in force for the unexpired period of the valuation of the ward in which the said premises are included:

Provided also that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises amalgamated."

Sir, the amendment which I have just moved has been taken from the Calcutta Municipal Act, 1923, being sections 133 and 134 of the said Act with slight alterations and modifications here and there. This amendment has also been urged by the working committee of the All-Bengal Municipal Conference and I hope the Hon'ble Minister will not pounce upon me by rising on a point of order for taking their suggested amendments, long as they are, verbatim from their printed paper which has been distributed to the members of this Council including the Hon'ble Minister himself. The mandate of my constituency is to work on the lines of the amendments suggested by the collective wisdom of the municipalities in Bengal assembled on the occasion——

Mr. H. P. V. TOWNEND: May I assume that the only argument in Rai Mahasai's favour is what we find in the printed book?

MUNINDRA DEB RAI MAHASAI: Sir, in voicing their sentiments, I may have occasion sometimes to use the very language as a vehicle to transmit their views in order to give true expression to their thoughts and feelings and I think the world will not tumble down under the deep seas and the *Bhagbat* will not be consigned to hell if I do so. From his ministerial pedestral he may flout their collective wisdom which I cannot.

Sir, I think some provision in the Bill is necessary for the partition of holdings or the division of holdings if required by the owner or owners or for amalgamating two or more holdings into one. The absence of such a provision in the Act of 1884 has been keenly felt and it should be remedied in the present Bill. If this provision finds a place in the Statute Book, it will no doubt help in the better collection of taxes.

Mr. B. C. CHATTERJEE: I am also associated with this amendment. With your permission, Sir, I would like to modify the amendment which is somewhat in a revised form and I hope it may be acceptable to the Hon'ble Minister.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have been already supplied with a copy of the amendment of Mr. Chatterjee. I am prepared to accept it.

Mr. B. C. CHATTERJEE: Shall I read it, Sir?

Mr. PRESIDENT: Yes.

Mr. B. C. CHATTERJEE: Sir, I beg to move that after clause 117 the following be inserted, namely:—

Assessment in case of land or building subdivided into separate shares.

"117A. If, during the currency of any period prescribed by sub-section (*1*) of section 123, the ownership of any land or building or portion thereof is subdivided into separate shares, the commissioners may, on the application of any of the co-owners, after giving the other co-owners an opportunity to be heard, divide the assessment of such land, building or portion in the following manner, namely:—

(*i*) If the ownership be subdivided into two or more shares without separate allotments, or if as the result of such subdivision there is a separate allotment of such land, building or portion into two or more separate portions, which are not entirely independent, the commissioners may, if they think fit, apportion the assessment among the shareholders according to the value of their respective shares without assigning any separate number;

if, as the result of such subdivision, there are separate allotments of such land, building or portion and, if such allotments are made entirely independent and capable of separate enjoyment but not in conformity with the provisions of this Act or of any rules or bye-laws made thereunder relating to buildings the commissioners may, if they think fit, assess such portions separately after assigning to them separate numbers:

Provided that by such separate assessment the total assessment for the entire premises shall not be increased;

(iii) if such separated portions of such land, building or portion are, or are made, entirely independent and capable of separate enjoyment in conformity with the provisions of this Act or of any rules or bye-laws made thereunder, relating to buildings, the commissioners shall assess each portion separately by assigning a separate number thereto;

Provided that by such separate assessment the total assessment for the entire premises shall not be increased:

Provided also that such apportionment or separation of the numbers and assessment, as the case may be, shall remain in force and the rate shall be levied accordingly until the expiration of the said period.

Assessment in case of land or building being amalgamated.

117B. If any land or building, bearing two or more municipal numbers, or portions thereof, be amalgamated into one or more new premises, the commissioners shall assess them on amalgamation after assigning to them one or more numbers, as the case may be:

Provided that no assessment on amalgamation of premises shall be made by the commissioners unless there is a cause for the revaluation of any such premises except on an application being made to them by the owner or owners thereof, in which case such assessment, if made, shall remain in force for the unexpired period of valuation:

Provided also that the total assessment on amalgamation shall not be greater than the sum of the previous assessments of the several premises amalgamated."

Babu SATYENDRA NATH ROY: On a point of information. Is it an inspired amendment by the Hon'ble Minister?

Mr. B. C. CHATTERJEE: I cannot say that on oath. It is neither inspiration nor information. I have modified my amendment and the Hon'ble Minister has already accepted it.

Mr. H. P. V. TOWNEND: May I point out that in the revised amendment the word "commissioners" appears in place of "chairman"?

Mr. PRESIDENT: Have you taken note of the alterations? Are those alterations acceptable to you?

Mr. B. C. CHATTERJEE: The Hon'ble Minister has accepted my alterations; I am not accepting his.

Mr. PRESIDENT: You may amicably settle that between yourselves. (Laughter.)

The motion of Mr. B. C. Chatterjee was then put and agreed to.

The motion of Munindra Deb Rai Mahasai failed.

Clauses 118 to 120.

Mr. PRESIDENT: The question is that clauses 118, 119 and 120 stand part of the Bill.

The motion was put and agreed to.

Clause 121.

Mr. PRESIDENT: The question is that clause 121 stand part of the Bill.

Babu KHETTER MOHAN RAY: I beg to move that in clause 121 for the word "meeting" wherever it occurs the words "special meeting at which at least two-thirds of the whole number of commissioners are present" be substituted.

Sir, the reason for this amendment is very clear.

Determination of the percentage on the valution of holdings at which any rate on the annual valuation of holdings should be levied is a very important matter. The commissioners must carefully examine at what percentage of rate, the holdings and the owners thereof in general are capable of bearing so that, the percentage determined by them may not entail hardship on the tax-payers. Two-thirds of the commissioners should come to an agreement on the subject and this should be done at a meeting specially convened for the purpose. It may be argued that the two-thirds of the commissioners may not be present at a particular meeting. If any meeting fails on that score, it may be done at any adjourned meeting where quorum is not necessary. These are mere safeguards against excessive taxes which should be adopted by the House. With these words, I commend my amendment for acceptance of the House.

Mr. ANANDA MOHAN PODDAR: Sir, I rise to support this amendment. The meeting in which the percentage of rate on holdings would be determined should be as well represented as possible. This is an important matter. On it depends the resources of the municipal fund as well as the convenience of the ratepayers. So this matter should

not be determined at a meeting in which at least two-thirds of the commissioners are not present or which is attended by such a number of commissioners as would form a bare quorum. The meeting again should be a special one. The attention of all the commissioners should be drawn to the vital importance of the subject, so that the commissioners may make it convenient to be present. Sir, this amendment is a very simple one and I request the Hon'ble Minister to accept it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. Mr. Ray's amendment is an impossible one. His proposal is that two-thirds of the whole number of commissioners must be present at a meeting at which rates have got to be determined. Two-thirds of the whole number of commissioners will never turn up and the rates will never be fixed. Moreover, this provision is based on the existing section 102 and there is no such provision for two-thirds of the whole number of commissioners, neither is it in the Calcutta Municipal Act. It has worked very well during the last 50 years in the *mufassal* municipalities and it has been working very well in the Calcutta Corporation during the last few years. So I do not think that there is any justification for this amendment.

The motion of Babu Khetter Mohan Ray was then put and lost.

Mr. K. C. RAY CHOWDHURY: May I draw your attention, Sir, to rule 39 which authorises the President to take votes by show of hands?

Mr. PRESIDENT: The question is that clause 121 stand part of the Bill.

The motion was put and agreed to.

5 p.m.

Clause 122.

Mr. PRESIDENT: The question is that clause 122 stand part of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: Sir, I beg to move that in clause 122 (*e*) the words "and occupier" be omitted.

My reason for moving this amendment is that occupiers vary every now and then.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, the occupier's name may be necessary for the realisation of rates and taxes when the owner is a non-resident one. So I oppose this amendment.

The motion of Rai Bahadur Satyendra Kumar Das was put and lost.

Mr. PRESIDENT: The question is that clause 122 stand part of the Bill.

The motion was put and agreed to.

Clause 123.

Mr. PRESIDENT: The question is that clause 123 stand part of the Bill.

Mr. NARENDRA KUMAR BASU: I beg to move that in clause 123 (*1*), in line 2, the words "unless otherwise ordered by the Local Government" be omitted.

Sir, this clause says: "A new valuation and assessment list shall, unless otherwise ordered by the Local Government, be prepared in the same manner as the original lists, once in every five years". My proposal is to make the preparation of the list compulsory in every five years, so that the list may be fairly up-to-date. The date of preparation ought not to be left uncertain.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I am afraid my friend has not understood the implications of the clause. Take, for instance, a year when there is a severe economic distress. That would not be a proper time to have the assessment list prepared. In such cases the Local Government should have discretion whether to postpone it or not.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. The Khan Bahadur has fully explained the implications of this amendment.

The motion of Mr. Narendra Kumar Basu was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 123 stand part of the Bill.

The motion was put and agreed to.

Clause 124.

Mr. PRESIDENT: The question is that clause 124 stand part of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 124 (*1*), in line 1, the words "at a meeting" be omitted.

The reason for asking the omission of these words is that there are several duties enumerated in this clause which are more or less of a ministerial character. For instance, when a holding is transferred from one person to another, a change has got to be made by changing the name. Is it suggested that the commissioners must meet solemnly at a meeting and authorise that change? If these words "at a meeting" be left out, then it will mean that the commissioners may do it at a meeting or otherwise, that is, by delegating powers to the chairman or vice-chairman, and anything done by them under this power will be an act done by the commissioners; but if the Act requires that this should be done by the commissioners at a meeting, it means that a meeting must be called even for the purpose of doing things of such insignificant character. So I submit that it will be quite safe to leave out the words "at a meeting" in the case of purely departmental municipal acts.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. The Select Committee has inserted these words "at a meeting" and I think very rightly. I would refer the House to the sub-clauses. The commissioners at a meeting may at any time direct alteration or amendment of the assessment list, amongst other things, by altering the valuation of, or assessment on, any holding which, in their opinion, has been incorrectly valued or assessed. Sir, these are very important matters and these should not be left to individual commissioners or chairman or vice-chairman. Revaluation or the reassessment of a holding must be done by the commissioners at a meeting. So I oppose the amendment.

The motion of Dr. Naresh Chandra Sen Gupta was put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 124 (*1*) (*c*), in line 3, after the word "assessed" the words "by reason of fraud, misrepresentation or mistake" be inserted.

Sir, this clause, as it has been drawn up after its amendment by the Select Committee, seeks to give to the commissioners powers which perhaps are not fully visualised. You can alter the valuation or assessment of any holding, if, in the opinion of the commissioners, it has been incorrectly valued or assessed. After the valuation roll is prepared and after the Appeal Committee has given its decision, the commissioners at a meeting are given the power not merely to alter the assessment but also to alter the valuation of any holding without any qualification whatsoever. That is going against the principle of the Bill and against the provisions of clause 135. The original clause was that the alteration, enhancement or anything else could be made only when the valuation or assessment had been incorrectly made by reason of fraud, misrepresentation or mistake. That I can understand, but to give the commissioners a blank cheque would be to nullify clause 135 which makes the Appeal Committee's decision final.

Mr. NARENDRA KUMAR BASU: Sir, I oppose the amendment. My friend will be able to visualize why the Select Committee made this change if he will take into consideration the fact that it may be that before the next valuation is made, the house may be damaged or destroyed by earthquake, fire or by any other things beyond the control of anybody. In that case the commissioners ought to have power to alter the valuation even before the next valuation.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Government would prefer to stick to the change made by the Select Committee. I have no other observation to make.

The motion of Dr. Naresh Chandra Sen Gupta was then put and lost.

Mr. ANANDA MOHAN PODDAR: I formally beg to move that to clause 124 (*1*) (*f*), in line 4, after the word "diminished" the following be inserted namely:—

> "owing to the reduction of rents due to the economic conditions, or"

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendment. I would refer the hon'ble member to the words in sub-clause (*f*) of clause 124: "has been diminished from any cause beyond the control of the owner." I think that covers the purpose which the mover has in view.

The motion of Mr. Ananda Mohan Poddar was then, by leave of the Council, withdrawn.

Clauses 125 and 126.

Mr. PRESIDENT: The question is that clauses 125 and 126 stand part of the Bill.

The motion was put and agreed to.

Clause 127.

Mr. PRESIDENT: The question is that clause 127 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: Sir, I beg to move that in clause 127, in line 5, after the words "such holding" the following be inserted; namely:—

> "for any past or subsequent period."

Sir, I need not say many words in support of my amendment. I simply want to make the clause quite clear as to whether the amount payable on account of a holding is in respect of any past or subsequent period.

5-15 p.m.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: A past or subsequent period will naturally be indefinite, and it would be unreasonable not to mention a time-limit. I, therefore, oppose the motion.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in the proviso to clause 127, in last line, for the words "one year" the words "three years" be substituted.

I would like to submit in this connection that the poor ratepayers experience very great difficulties in securing recommendation from the ward commissioners, and when once they get it, I think it should last for three years. I think, Sir, that the pecuniary circumstances of a poor man very rarely vary in one year. With these few words, I move my amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. Discretion should be left to the commissioners and it should not be fixed for three years from the beginning. If the commissioners want, they may extend the period by one year.

The motion of Rai Bahadur Satyendra Kumar Das was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in the proviso to clause 127, last line, for the words "one year" the words "two years" be substituted. This is only a change of time. In the Bill it is one year, but I want to make it two years and I do not think Government will have any objection to accept it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: On the same grounds I oppose it, Sir.

The motion of Dr. Amulya Ratan Ghose was put and lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that to the proviso to clause 127 the words "from the date on which the order is passed" be added.

The proviso runs thus: Provided that such reduction or remission shall not, unless renewed by the commissioners, at a meeting, have

effect for more than one year. This is analogous to section 106 of the Calcutta Municipal Act. This section ought to apply only to taxes that have fallen due and not to future taxes. It would cause great hardship if it is applied both to past as well as future taxes.

Mr. H. P. V. TOWNEND: The position is this: assessment is made for the financial year and if this amendment is carried, it would disturb the period for which taxes have to be paid; and it would be extremely difficult to know what the result of the assessment would be. It would also introduce confusion into the accounts of the municipalities. So there is no other alternative before Government than to oppose this motion.

The motion of Munindra Deb Rai Mahasai was put and lost.

Mr. PRESIDENT: The question is that clause 127 stand part of the Bill.

The motion was put and agreed to.

Clause 128.

Mr. PRESIDENT: The question is that clause 128 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 128 (*1*), in line 1, after the word "holding" the words "or part of a holding" be inserted.

Sir, I make an attempt for the third time to see if I can get my situation improved after coming over to this side of the House. In this matter I want to make it clear that when any holding has been unoccupied and unproductive of rent for 60 or more consecutive days, the commissioners shall remit and if the rate or rates have been paid, shall refund three quarters of the amount due on account of such period. In this matter it is oftentimes the case that a holding may not be entirely vacant but vacant for most of the period, and in that case if the owner of the holding asks for remission for some part of the holding, that remission ought to be granted; otherwise, the owner of the house will be always at a loss for the vacant period thus caused. With these reasons, I move for the acceptance of this motion.

Mr. NARENDRA KUMAR BASU: I beg to oppose the amendment. Sir, Dr. Ghose has not been able to tell the House where in the present Act there is any provision for assessment of part of a holding, and as long as there is no such provision, I submit, with all respect, that the House will make itself ridiculous by accepting such an amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I oppose the motion formally.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move formally that in clause 128 for the word "sixty" wherever it occurs the word "thirty" be substituted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I oppose the amendment. I do not think it should be less than 60 days; otherwise, it would make the clause unworkable.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in proviso (*v*), in clause 128, in lines 4 to 6, for the words "on which such notice is delivered at the office of the commissioners" the words "of payment" be substituted. My reasons for moving this motion are these: It is found that in some cases the ratepayers having paid their taxes at the full rate apply for refund after six months from the date of delivery of notice, which, under the Act, cannot be refunded.

Babu BENOD BIHARI SARKAR: I think, Sir, the object of the mover will be served if the words "remission or" be inserted after the word "for" in the third line of proviso 1.

Rai Bahadur SATYENDRA KUMAR DAS: I am prepared to accept it.

Mr. PRESIDENT: It would be better if this motion was moved as a substantive amendment by you, Mr. Sarkar.

Babu BENOD BIHARI SARKAR: All right, Sir. I beg to move that in line 3 of proviso (*v*) of clause 128, the words "remission or" be inserted after the word "for".

The motion was put and agreed to.

The motion of Rai Bahadur Satyendra Kumar Das failed.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 128 (*2*), in line 4, for the word "may" the word "shall" be substituted. I do not want to make any speech on this, but would simply commend it to the acceptance of the House.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: In a case of entire holding, some discretion should be left to the commissioners. So I oppose the amendment.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 128 (*2*), in line 6, the words "not exceeding three-fourths" be omitted.

This is an unnecessary clause and should be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the amendment. A limit is very necessary.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Mr. PRESIDENT: The question is that clause 128, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 129.

Mr. PRESIDENT: The question is that clause 129 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 129, in line 4, for the words "ten days" the words "thirty days" be substituted. I think, Sir, sufficient time ought to be granted for this matter. This is not such a serious thing that one ought to come within 10 days and if 30 days be substituted, I do not think there would be a very great disaster in the municipality. Therefore, I commend this motion to the acceptance of the House.

Mr. GIRISH CHANDRA SEN: Thirty days would be too long a period; so Government would oppose this motion.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Mr. PRESIDENT: The question is that clause 129 stand part of the Bill.

The motion was put and agreed to.

Clause 130.

Mr. PRESIDENT: The question is that clause 130 stand part of the Bill.

The motion was put and agreed to.

Clauses 131 and 132.

Khan Bahadur Maulvi AZIZUL HAQUE: Before you take up clause 131, Sir, I would make a submission to you. Clauses 131 and 132 are very important from the municipal point of view and we would like to suggest that discussion on these clauses be postponed till Monday. I have asked other members of this House as well as the Hon'ble Minister, who also is agreeable to this postponement. I would now pray to you, Sir, to postpone this matter till two days afterwards; two days will be sufficient for our purpose.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I do not object to this suggestion, if this will facilitate matters. I understand that these two clauses will be taken up on Monday next.

5-30 p.m.

Mr. PRESIDENT: As the Hon'ble Minister has no objection and a compromise is possible, the consideration of these clauses may be put off.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I may just submit that there is no proposal of a compromise, but I only gave my consent to my friends' suggestion to postpone the matter. I do not know what they want.

Mr. PRESIDENT: I think that the Hon'ble Minister should not have given way unless he thought very seriously that there should be a compromise.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I have no information on that point as yet. If they want some time to consider this matter, I do not want to stand in the way.

Mr. PRESIDENT: That does not help much; anyhow as the Hon'ble Minister does not object to the matter being postponed, it may be postponed till Monday.

Clause 133.

Mr. PRESIDENT: The question is that clause 133 stand part of the Bill.

The motion was put and agreed to.

Clause 134.

Mr. PRESIDENT: The question is that clause 134 stand part of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that in clause 134 (*2*), in line 5, for the word "fresh" the word "first" be substituted.

Sir, it is only a printing mistake.

The motion was put and agreed to.

Babu SATYENDRA NATH ROY: Sir, I beg to move that clause 134 (*3*) be omitted.

Sir, this amendment is necessary because when the work of the Assessment Appeal Committee goes on, the services of the assessor are not required and generally are terminated. Under these circumstances, the assessor is not present when the Appeal Committee is sitting. I think, therefore, the Hon'ble Minister will see his way to accept this amendment. The assessors are appointed only for six or nine months and as soon as their work is finished, their services are dispensed with and they are not present when some of the assessment appeals still remain undisposed. So, if they are not in office when the appeals are heard, it will be difficult to serve notices on them.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I do not think that Mr. Roy is correct in presuming that the assessor will not be in office. The assessor must be there to advise the commissioners before the appeal is disposed of.

The motion of Babu Satyendra Nath Roy was then put and lost.

Mr. PRESIDENT: The question is that clause 134, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 135.

Mr. PRESIDENT: The question is that clause 135 stand part of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that for clause 135 (*1*) the following be substituted, namely:—

"(*1*) Every application presented under section 134 shall be heard and determined by a committee consisting of the chairman, a commissioner appointed by the commissioners at a meeting and a person appointed by the Local Government."

Sir, in moving this amendment I may say that it is an innovation which has been suggested, *viz.*, the appointment of a Government nominee on the Appeal Committee. Though he will be in a minority, his presence will have a very great moral effect on the two gentlemen sitting on the committee. As is well known to the members of this House, this is the weakest point existing in the Municipal Act and the presence of an outsider, an impartial person who is not dependent on the vote of the ratepayers, is very necessary and it is a salutary provision which has been suggested by Government in the Bill.

Mr. NARENDRA KUMAR BASU: Sir, I rise to oppose this amendment and I think the Hon'ble Minister in giving his reasons ought to have told the House that the Government is going back on the considered recommendation of the Select Committee. I submit that the Hon'ble Minister has shown scant courtesy to the members of the Select Committee. When alterations of this nature are deliberately proposed by Government, the Hon'ble Minister has not a word even to say about the reasons for the proposal. I think that this is one of the clauses which were changed by the Select Committee in order to lessen the interference of the Local Government in the internal affairs of the municipalities and I think the Hon'ble Minister has advanced no reason why in every municipality in Bengal—whether big or small—there should be a representative of the Local Government to sit on the Appeal Committee. I do not think the reasons given by the Hon'ble Minister are in any way sound and I do not support the proposal for the decision of the Select Committee being changed.

Babu SATYENDRA NATH ROY: Sir, I strongly oppose this amendment. The Hon'ble Minister in introducing the report of the Select Committee gave us to understand that the Bill is a great step forward, but I should say this provision is a step backward because, it is an accepted fact that at present the commissioners enjoy the right of not only hearing but determining assessment appeals. It appears that Government is very suspicious of the commissioners and the Hon'ble Minister means to say that the future Government will also be suspicious of the commissioners. So it must have one man appointed by the Local Government to look after these assessment appeals in order to see that the appeals are decided according to the wishes of the Local Government. We also know that regarding the appointment of assessors they want to have this power. This action on the part of the Hon'ble Minister reminds me of a Bengali adage "*sarbasva tomar, chabi kattti amar*," that is, everything is yours, but I must have the key which means Government want control over everything.

Mr. H. P. V. TOWNEND: Sir, I am very sorry that the Hon'ble Minister was not able to reply on the subject of his attitude towards the Select Committee. The Minister is criticised because he did not explain at greater length his reasons for going back on the decision arrived at by the Select Committee. One reason, I may say, for his not giving a fuller explanation is that the Minister is not in the best of health and it is very trying for him to sit through a long debate when people raise all sorts of objections and when he feels that opposition is made to the measures proposed, and that divisions are called, rather for the sake of mere opposition——

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. I object to Mr. Townend or any member of Government saying that there is opposition for its own sake and I do object to any such remark being made by anybody, be he a member of the Indian Civil Service——

Mr. H. P. V. TOWNEND: Sir, it has been pointed out this afternoon and I think, Sir, you accepted the fact that divisions have been called for flimsy reasons——

Mr. PRESIDENT: I do not think, Mr. Townend, you should labour that point when it hurts Mr. Basu's feelings.

Mr. H. P. V. TOWNEND: Sir, I sincerely apologise if I have offended any one.

Mr. NARENDRA KUMAR BASU: Very well, Sir, you may take it from me that we shall oppose every motion that is being put by Government——

Mr. PRESIDENT: That is not the attitude you should take up, Mr. Basu.

Mr. NARENDRA KUMAR BASU: That is not meant for the President.

Mr. PRESIDENT: Besides, Mr. Townend has expressed regret.

Mr. NARENDRA KUMAR BASU: Sir, he repeated it.

Mr. PRESIDENT: I do not think Mr. Townend repeated it with the intention to give offence to you.

Mr. H. P. V. TOWNEND: I wished to point out that the reason why my Minister was so very tired and why he was so brief in explaining his motion. If my remark hurt the feelings of any one in the House, I certainly withdraw it and I hope Mr. Basu will accept this.

Mr. PRESIDENT: I think he ought to. It is not unusual or unparliamentary on the part of Government or of the opposition to minimise in the course of the debate, the importance of the attitude that a particular side takes, or condemn, or belittle the tactics it adopts. That ought to be taken in good spirit unless the actual words employed for such a purpose are unparliamentary, or do not buckle themselves with reality. I think Mr. Townend did not mean anything by his remarks. That is now past.

Mr. H. P. V. TOWNEND: I thank you, Sir. The Minister had explained in his minute of dissent, which had been printed and circulated for the information of the House, the reasons why he did not accept the proposal of the Select Committee: and perhaps this was why he referred to them so briefly when he was speaking on this motion. The position is quite clear. The whole point is that the greatest difficulty of all in *mufassal* municipalities is the question of assessment.

An elected commissioner always feels that behind him there are ratepayers who may not agree with what he is doing, even though he is very sure that he is doing his very best. Some years ago when I was in Barisal, the then chairman of the municipality came to me and completely broke down because, he said, it was absolutely impossible for him to do what he thought right in the face of the opposition of his supporters among the commissioners, who did not like to have their friends correctly assessed. It was in view of this sort of thing that this change has been proposed. There is no "step back," I think, as Mr. Roy says. He remarked that the commissioners have enjoyed certain powers. It may be true that they have "enjoyed" the present position because it probably gives them a certain amount of power and makes them feel important in making assessments, and the like. The real question is whether they have taken the matter seriously enough and whether they have considered it from the viewpoint of the interests of the people. There is reason to think that they have not and that they have not been as strict—I would not like to say as impartial—in the matter of these assessments as Government would like to see them. Mr. Roy has protested against treating commissioners with suspicion. It is not a matter of suspecting individual commissioners, but Government has good ground for suspecting the efficiency with which these duties are performed. I hope the matter is now quite clear, and that the attitude taken up by the Minister is apparent to the House.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I make a personal explanation? Mr. Basu has accused me of not putting forward any reason why I want to reverse the decision of the Select Committee, but I fully explained the reasons in my Note of Dissent. I have been misrepresented. It has been said that I did not give any explanation. This is not a fact. I put forward clearly in my Note of Dissent why Government wanted to re-insert the original provision.

Khan Bahadur Maulvi AZIZUL HAQUE: If I intervene in this debate, it is because I had the misfortune once to act not as an assessor myself, but in an assessment appeal in a certain municipality. Well, I am not prepared to accept fully the contention of Mr. Townend that there is complete lack of efficiency in *mufassal* municipalities. I am prepared to admit so far that on occasions it was quite possible that a municipality and the municipal commissioners are not always up to the mark. After all, what are these *mufassal* municipalities, and are not the people living in it very important factors? I think municipal commissioners in discussing this question ought to look at it also from the point of view of the ability of the ratepayers to meet the claims of the Assessment Department. I know that in the district of Nadia there is a municipality where the people had made great fortunes and raised palatial buildings which are now tenanted by people who are comparatively poor, and if you want to prepare the assessment on the basis of valuation, it might be very difficult for anybody to live in those palatial buildings. At one time, Sir, I was really in favour of an amendment of this nature which the Hon'ble Minister has suggested, but I am not now in favour of an amendment which suggests outside interference. Sir, the matter was discussed threadbare in the Select Committee and the responsibility was left to a very large extent on the municipal commissioners. If this responsibility is to be placed more and more upon the people themselves, I do not see why it will be necessary for Government to interfere with a view to thrusting upon municipalities a certain number of outsiders. Mr. Townend says municipal commissioners are not very vigorous. Is that any reason why an outsider who is not acquainted with the circumstances of the people should be appointed with a view to see that the assessment is increased from Rs. 20,000 to Rs. 40,000. There are dangers on both sides, and, therefore, I think that an unqualified statement is very dangerous in these circumstances. I feel that though I may be prepared to accept the amendment just now, a time will come when we must give a certain amount of responsibility and power to the municipalities. I belong to a municipality whose finances are not very solvent, and when I was on the Assessment Committee, I examined the matter as to the ability of the ratepayers to pay the taxes, and I may say, on occasions I considered that the Assessment Committee was not right. After all, Sir, these

municipal commissioners have to maintain their municipalities. They have to maintain their lights. They have to maintain their roads, their conservancy and water-supply, and the commissioners know that they shall have to meet their requirements. It is, therefore, up to them to put a limit to their activities and it is not for an outside agency to say what that limit should be. I think, Sir, it would be better if the section is left as it is, and thereby leave it to the municipalities to develop in their own way their own local self-governing institutions.

Mr. B. C. CHATTERJEE: I am so sorry, Sir, that there should be a misunderstanding, but I would appeal to the Hon'ble Minister to realise that this clause prevents the working of the principle of self-government. Take, for instance, the Government that we are going to have, the Government under the Ministers, instead of under the Civilians. There is little doubt that as an administrator the average member of the Civil Service is more efficient than the average Minister at the present moment, but even so, we want Government by Ministers at the cost of some efficiency

Mr. PRESIDENT: I do not think you should make a comparison like that.

Mr. B. C. CHATTERJEE: I am saying that the average member of the Indian Civil Service has had a far better training as an administrator——

Mr. PRESIDENT: I must ask you, Mr. Chatterjee, not to refer to that matter at all

Mr. B. C. CHATTERJEE: I am trying to explain the principle of self-government, Sir. We do not want the bug-bear of efficiency to override the principle of self-government bodies——

Mr. PRESIDENT: You can say what principles should be laid down in order to make self-governing institutions really self-governing; but, I do not see any reason why you should compare the members of the Civil Service with the Ministers and things like that.

Mr. B. C. CHATTERJEE: I am not referring to particular Ministers like Mr. Singh Roy or Mr. Nazimuddin. What I am saying is this that when we want the Government to be in the hands of the

representatives of the people rather than in the hands of the members of the Indian Civil Service, although from the point of view of efficiency, I have no doubt that all over the world, take England, for instance——

Mr. PRESIDENT: I have already ruled that you must not make these comparisons.

Mr. B. C. CHATTERJEE: My whole point is this that those who have faith in self-government must have the patience to stand by and bear with some amount of inefficiency——

Mr. PRESIDENT: I am afraid I cannot permit you to go on in that fashion.

Mr. B. C. CHATTERJEE: You have not heard what I have to say, Sir. I am saying that those who have faith in these self-governing institutions must have patience enough to stand by and see some amount of inefficiency in the beginning, in order that by gradual experience the representatives of the people may in time develop efficiency. Initially there is bound to be a certain amount of inefficiency on the part of the representatives of the people who are entrusted with the work of a government or of a municipality.

Mr. PRESIDENT: That is decidedly better—comparison is odious.

Mr. B. C. CHATTERJEE: Now, Sir, what does this amendment mean? It means that the members of a municipality are not to have the full right to assess the rates and taxes which they are going to call upon their electors to pay, although they have been entrusted by their electors with the power of assessing the rates and taxes on behalf of the municipality——

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: On a point of order, Sir. Why should not this amendment also stand over, because clause 135 (*1*) has been postponed, and the two things must go together?

Mr. PRESIDENT: When at your request I postponed the other two items, I wanted to know what the effect would be on subsequent discussion with regard to other clauses; I was given to understand that no further difficulty would arise.

Khan Bahadur Maulvi AZIZUL HAQUE: I must say, Sir, that this is an item, so far as this clause is concerned, should be postponed, as the two items should be taken together. There are two parts of it, one relates to the commissioners and the other to Government.

Mr. PRESIDENT: Personally I am opposed to any idea of postponement, because that interferes with the ordinary course of business; more so, when there is no earthly chance of a compromise. But if the Hon'ble Minister wants it, I have no objection.

Mr. NARENDRA KUMAR BASU: We do not want any postponement; we have already discussed the matter for half an hour or more.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There was no objection on the part of the House to give the other postponement; so why object to this? It is interference.

Mr. NARENDRA KUMAR BASU: Mr. President, is it permissible for the Minister to call my submission to the House, interference?

Mr. PRESIDENT: That may be his opinion.

Mr. B. C. CHATTERJEE: What about my speech?

Mr. PRESIDENT: Mr Chatterjee, you may rest assured that you will have an opportunity to continue, but let me first dispose of this matter. If the Hon'ble Minister wants a postponement, he must be convinced that there is a fair chance of a compromise being reached, but if this is not his belief, or if he is really unwilling to change his present attitude, I think it is clearly his duty not to agree to a postponement.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: What I suggest is this. As I have already agreed to the postponement of the other two clauses, this also should be postponed. I should have pointed this out before, and I regret not having done so. I hope that my friends will not stand in the way, because the three clauses must go together.

Mr. SHANTI SHEKHARESWAR RAY: May I ask the Hon'ble Minister whether he intends to concede something?

Mr. B. C. CHATTERJEE: He hopes for a compromise.

Mr. PRESIDENT: It is not my business to know what he wishes to concede. My point was this, that before the Minister agrees to a postponement, he must be sure of his own self. I shall postpone the consideration of this item after Mr. Chatterjee has finished his speech.

Mr. B. C. CHATTERJEE: My point is this: that the electorate of a municipality want to give powers of raising a tax to the commissioners just as we want to give the Hon'ble Ministers this power. This is really a constitutional question. When the electorate of a municipality have elected a number of men to the municipality, they have done so with the idea that they are going to be taxed by their elected representatives, and they surely lose all right of self-government if their elected representatives are going to have a person thrust on them by Government, who is to take part in the assessment of rates and taxes. That cuts absolutely at the very root of self-government. From that point of view, I would ask the Hon'ble Minister not to press this amendment.

6 p.m.

Babu SATYENDRA NATH ROY: On a point of order, Sir. May I inquire whether the consideration of the whole clause 135 is postponed or of this particular amendment? There are other amendments intimately connected with this amendment. I hope the Hon'ble Minister will clear the point.

Mr. PRESIDENT: All the amendments in regard to clause 135 have been postponed as a matter of course.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order. I want to say something about the proposal of the Hon'ble Minister.

Mr. PRESIDENT: You need not say anything now.

Clauses 136 and 137.

Mr. PRESIDENT: The question is that the clauses 136 and 137 stand part of the Bill.

The motion was put and agreed to.

Clause 138.

Mr. PRESIDENT: The question is that clause 138 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that after clause 138 the following be inserted, namely:—

"Provided that a rebate of half an anna in the rupee shall be granted for payment of a sum not exceeding rupees fifty per annum within 15 days of the service of the notice of demand."

This provision is proposed to be inserted to facilitate the collection of taxes.' The amount has been limited to Rs. 50 advisedly for the benefit of the poor tax-payer and to provide against unnecessary depletion of the municipal finances on account of rebate on large sums of money of which advantage will be taken by the more well-to-do among the ratepayers at the cost of the municipality. This will also help in the creation of a habit in the poor tax-payers to make punctual payments. The saving of a few annas will be an additional inducement to many of them. It will in the long run be of immense benefit to the municipality.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment because half an anna rebate will not be a great temptation to the ratepayers to pay their rates in time. On the other hand, if the rate of the rebate is increased, it might mean a loss of revenue to the municipality.

Dr. AMULYA RATAN GHOSE: I support the amendment and in supporting it I beg to point out that this sort of arrangement has given very good result in the case of the Telephone Company, the Electric Supply Corporation and the Gas Company; they have all made this arrangement. People for very small rebate hurry up to the offices of the company concerned for paying their dues in time. This is a healthy suggestion made by Rai Mahasai and this might be a good inducement to the ratepayers and a very good thing for the municipalities also, because they will be able to make a good collection every quarter. Although it is one anna or half an anna on rates which are more than Re. 1 or Rs. 2, for a man who pays, say, Rs. 50 or Rs. 100 per quarter, it will be a good rebate to him. I do not think that a higher rebate is granted by these companies, but they get very good results by giving this rebate. With these words, I support the amendment.

Babu KISHORI MOHAN CHAUDHURI: I rise to support this amendment, because such a rebate is allowed in the case of the road cess as well. It is a great inducement to the people to pay off their dues in time and I hope many people would take advantage of this concession. If such a rebate is granted in the case of the road cess, I do not see any reason why it should not be given here also.

Rai Bahadur SATYENDRA NATH DAS: I rise in support of the amendment. The amount having been limited to Rs. 50, I think only the poor people will earn the rebate and thus people who pay more than Rs. 50 will not be entitled to it. Two pice for every rupee up to Rs. 50 will be a great inducement for them to pay off their arrears. In the

mufassal municipalities where holdings are very small and taxes are payable quarterly and small in amount it will serve as a great inducement and the amount being limited to Rs. 50, it will provide against the depletion of the municipal fund for large sums of the money as paid by well-to-do ratepayers.

Mr. S. M. BOSE: On a point of order. May I just point out that amendment No. 1489 deals with exactly the same point and these two may be taken together?

Mr. PRESIDENT: I have noticed that, but let us first see what the decision is on this motion.

Mr. H. P. V. TOWNEND: The argument advanced in support of amendment since the Hon'ble Minister spoke is that the Gas Company and the Telephone Company have a somewhat similar system. The policy adopted by these companies is to charge a very high rate and then allow a substantial rebate, which is equivalent to a penalty if people do not pay within a certain date. If members want that the municipality should increase its rates and then allow rebates on them, they must bring in an amendment to that effect. But the amendment before the House is that not the taxes shall be increased first and a rebate given later, but that a rebate should be given on the taxes as they stand. Further, the rebate is to be given in a manner which will cause the utmost possible trouble with the least possible gain. It would be throwing away municipal revenue. The rebate would affect only people who paid small sums: it would not affect tax-payers who pay very large sums and as regards whom a system of rebates might conceivably prove useful. The reason why the Telephone and other companies grant this rebate is to induce more people to join their system. In a municipality there is no possible chance of any new tax-payer being tempted by a rebate to come forward to join in paying taxes, because every one will be paying the taxes in any case. The analogy to the road cess is open to precisely similar criticism; if people fail to pay the cess in time, there is a penalty: but it is smaller if they then pay promptly. The road cess, however, is not reduced in such cases. The two things are not similar at all. There is nothing to say for the amendment.

There is another point. The amendment would open the way to a great deal of swindling by the servants employed by the municipalities. It would be very difficult for the payments of small rebates to be properly checked.

The motion of Munindra Deb Rai Mahasai was then put and lost.

Mr. PRESIDENT: The question is that clause 138 stand part of the Bill.

The motion was put and agreed to.

Clauses 139 and 140.

Mr. PRESIDENT: The question is that clauses 139 and 140 stand part of the Bill.

The motion was put and agreed to.

Clause 141.

Mr. PRESIDENT: The question is that clause 141 stand part of the Bill.

Mr. S. M. BOSE: I beg to move that in clause 141 (2), after the words "presentation of the Bill", the words "and within nine months thereof" be added.

There is no limit of time prescribed for the service of the notice of demand It can be presented at any time within the period of limitation. I believe the period of limitation for realizing taxes is six years (Article 120 of Schedule I, Limitation Act). Under the Bill as it now stands, if holding rates fall due, say, on the 1st January 1931 (for the third quarter), the Bill is to be submitted by the 31st March 1931. Under the amended clause 142, the municipality may wait till 31st December, 1935, before serving notice of demand and can attach within 31st December, 1936 (within six years). In other words, the municipality may keep the matter of distress hanging on for nearly five years before giving the notice. This is, I think, unreasonable and will result in lax administration and heavy arrears of taxes. A summary procedure should be used as soon as possible. So I suggest that the notice should be served within nine months from the presentation of the Bill—in other words distress must be levied within *two years* of the amount becoming due—a further delay may mean that owing to transfer of holding, the municipality may lose its right of distress.

6-15 p.m.

Babu BENOD BIHARI SARKAR: Sir, I oppose this amendment. There is no such time-limit in section 120 of the Bengal Municipal Act on which this clause is based. There will be various practical difficulties if a rigid time-limit is laid down.

Dr. AMULYA RATAN GHOSE: Sir, I also rise to oppose the amendment which seems to be rather grotesque. The mover seems to suggest that the commissioners of a municipality will be so irresponsible that they will sleep over the realisation of dues for nine months. If he had proposed a shorter time, we could have understood that there were some reasons behind it. But the proposal to give nine months' time for the realisation of dues seems ludicrous.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I just point out to the mover of the amendment that if a time-limit is put, many demands will become time-barred and consequently the municipalities will be involved in financial loss?

The motion of Mr. S. M. Bose was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 141 stand part of the Bill.

The motion was put and agreed to.

Clause 142.

Mr. PRESIDENT: The question is that clause 142 stand part of the Bill.

The motion was put and agreed to.

Clause 143.

Mr. PRESIDENT: The question is that clause 143 stand part of the Bill.

Babu SATYENDRA NATH ROY: I beg to move that clause 143 (*1a*) be omitted.

Sir, if the municipal authorities are given the power to issue warrants, they should also have the power to withdraw the same. There may be many reasons for withdrawing a warrant; but this clause provides that the warrant will not be discharged unless the payment is made. I will just cite an instance. Suppose a warrant is issued and in the meantime the owner of the holding dies and nobody is there in the house. There cannot be any payment and the municipal commissioners cannot keep the warrant hanging on indefinitely. In these circumstances, the commissioners should be given the power to withdraw the warrants.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment. There is distinction between discharging a warrant and withdrawing a warrant. If the object of the warrant ceases to exist, I do not think there is any reason why the commissioners should not withdraw the warrant. There is not much reason in the proposal put forward by Mr. Roy.

The motion of Babu Satyendra Nath Roy was then put and lost.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 143 (*1a*), in line 3, after the word "due" the words "or at least half of the sum due" be inserted.

I also move that in clause 143 (*1a*), in lines 3 and 4, the words "together with one-fourth of the costs referred to in section 142" be omitted.

Sir, in support of these amendments I beg to say that if a warrant is issued and if it is so desired by the municipality that the whole sum should be realised, it may not be always possible for the defaulting ratepayer to pay the whole amount. It may be that he will be able to pay half at one time and then will ask for time for paying the balance, and the municipal authorities should have the power to discharge the warrant after accepting half the amount paid.

As regards one-fourth of the cost, referred to in section 142, that will be a very rigid and stringent measure on the ratepayers. If they have already been unable to pay their regular taxes and when they are already under the heavy burden and humiliation of not being able to pay the taxes, it would be very hard on them to realise cost as well as the taxes due. Of course the cost is very little and practically no realisation of cost is made in the case of a distress warrant. Therefore, I propose that after the word "due" the words "or at least half of the sum due" be inserted and that the words "together with one-fourth of costs referred to in section 142" be omitted. I need not dilate upon this matter any further. It will give the ratepayers a reasonable opportunity of paying up their dues. With these words, I commend my motions for the acceptance of the House.

Babu BENOD BIHARI SARKAR: Sir, I beg to oppose this amendment. It is absolutely meaningless. A warrant cannot be discharged if one-third or one-half or 1/20th of the amount due is realised, and in case of hardship, the Bill provides that the commissioners may even remit the whole of the amount due or part of it.

If the hon'ble member would only read the Bill before trying to improve it, he will earn the thanks and the gratitude of all the members of this House who have to listen day after day to his speeches, in which we have never been able to discover any sense or meaning.

The motions of Dr. Amulya Ratan Ghose were then put and lost.

Mr. PRESIDENT: The question is that clause 143 stand part of the Bill.

The motion was put and agreed to.

Clause 144.

Mr. PRESIDENT: The question is that clause 144 stand part of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in the proviso to clause 144, in line 3, for the words "sufficient notice" the words "three hours' notice" be substituted.

Sir, my reason is very simple and clear. The word "sufficient" is very vague and I submit that "three hours' notice" is quite enough for the purpose.

Mr. H. P. V. TOWNEND: Sir, if the hon'ble mover will agree to substitute the word "reasonable" for "sufficient" Government will be prepared to accept the amendment.

Rai Bahadur SATYENDRA KUMAR DAS: I accept the amendment suggested by Mr. Townend.

The motion that in the proviso to clause 144, in line 3, for the word "sufficient" the word "reasonable" be substituted, was put and agreed to.

Maulvi MUHAMMAD HOSSAIN: I beg to move that after the proviso to clause 144 the following be added, namely:—

"If there is nobody to take charge of the house, after the distress warrant is executed, the police shall on the requisition of the officer charged with the execution of the warrant take charge of the house and keep guard over it and the cost of guarding over the house shall be a charge on the house and movables found therein."

Sir, my object in moving this clause is that in the present clause there is no mention as to what should be done in case of a house which remains vacant. Suppose a house is vacant and there are some movable articles in the house and with the sanction of the chairman or vice-chairman the executive officer goes there, breaks open the doors and takes away some of the movables which would cover the dues, leaving the remainder in the house quite unprotected. So in order to avoid harassment both to the municipality and to the owner of the house, this clause should be accepted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. I do not think that the police should be brought in, and in the existing Act there is no such provision. Moreover, it will be difficult to calculate the cost. For all these reasons I oppose this amendment. In the Calcutta Municipal Act there is no such provision. This should be left to the executive of the municipality.

The motion of Maulvi Muhammad Hossain was then put and lost.

Mr. PRESIDENT: The question is that clause 144, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 145.

Mr. PRESIDENT: The question is that clause 145 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 145 (*1*), in line 1, the words "with costs" be omitted.

Sir, this is just only to relieve the poor people from hardship. It will simply be harassing a man if his belongings are sold by the municipality unless they can realise costs from him. If he pays his dues, let him be relieved of the cost: that is what I suggest.

6-30 p.m.

Mr. S. M. BOSE: I rise to a point of order. We have already passed clause 143 (*1*) which says that when a warrant of distress is issued, it shall not be discharged before it is executed except upon payment of the sum due together with one-fourth of the costs referred to in section 142. But, Sir, in this amendment Dr. Ghose seeks to remove that, whereas we have already agreed to clause 143.

Mr. PRESIDENT: I think it is in order.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I oppose the amendment. Who is going to defray the costs? A municipality is not a charitable institution; a party may be in difficulty, but the municipality has nevertheless got to realise its rates as well as costs of this realisation. Dr. Ghose as a municipal commissioner will not be discharging his duty to the ratepayers if he is generous only to one section.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Mr. PRESIDENT: The question is that clause 145 stand part of the Bill.

The motion was put and agreed to.

Clauses 146 and 147.

Mr. PRESIDENT: The question is that clauses 146 and 147 stand part of the Bill.

The motion was put and agreed to.

Clause 148.

Mr. PRESIDENT: The question is that clause 148 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I move that to clause 148, the following be added, namely:—

"within three years from the date of default or the date by which the rate has become due."

The clause lays down that instead of proceeding by distress and sale, or in case of failure to realize thereby the whole or any part of any tax, toll, fee or rate, the commissioners may sue the person liable to pay the same in any court of competent jurisdiction. After that I propose to add "within three years from the date of default or the date by which the rate has become due."

Mr. S. M. BOSE: I oppose this. Already under Article 120 of Schedule 1 of the Limitations Act a period of six years has been provided. This amendment seeks to alter the period from six to three years and I think a municipality should always have a longer rope. So, I oppose the amendment.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Exactly on the same grounds I oppose it.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Mr. PRESIDENT: The question is that the clause 148 stand part the Bill.

The motion was put and agreed to.

Clause 149.

Mr. PRESIDENT: The question is that clause 149 stand part of the Bill.

Mr. B. C. CHATTERJEE: I move that in clause 149, in line 2, for the words "any tax, toll, fee or rate" the words "any tax, toll, fee, rate or other money due under this Act" be substituted. I have come nearer to the Hon'ble Minister in order to make myself heard better. I hope, therefore, he will be able to accept the amendment which seems to be quite reasonable.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I do accept it.

The moton was put and agreed to.

Mr. PRESIDENT: The question is that clause 149, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

[At 6-45 p.m., the Council was adjourned for prayer and it re-assembled at 6-55 p.m.]

Clauses 150 to 152.

Mr. PRESIDENT: The question is that clauses 150, 151 and 152 stand part of the Bill.

The motion was put and agreed to.

Clause 153.

Mr. PRESIDENT: The question is that clause 153 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I move that in clause 153, in line 4, after the word "Government" the words "or *maurasdar* or *se maurasdar* landlord" be inserted.

Sir, if the Government is so much keen about realization of their rents, why should not there be a provision for the realization of rents by *maurasdar* or *se maurasdar*? That is why I have moved this motion.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose the motion. It is against the public policy that different grades of landlords should have a priority of claim over the claims of municipalities, again, why is Dr. Ghose so keen to secure the interests of *maurasdars*? That is an expression which he has perhaps used without realising its implications. There are various grades of landlords. Simply by

putting in the words "*maurasdar* or *se maurasdar*", he does not safeguard the interests of any of them, or of any other class of persons, that he wants to protect. This expression is sought to be very loosely used. So I oppose it.

The motion of Dr. Amulya Ratan Ghose was then put and lost.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: With your permission, Sir, I would like to move an amendment in place of the amendment which stands in the name of Maulvi Syed Majid Baksh, who is absent.

Sir, I beg to move that in the fourth line of clause 153, after the word "Government" a comma and the words "or of the rent (if any) due to a landlord under the Bengal Tenancy Act, 1885" be inserted.

Babu JATINDRA NATH BASU: Sir, this amendment gives private landholders rights superior to those of the municipality in the matter of realisation of their dues. It is in direct conflict with the law as it prevails within the area to which the Calcutta Municipal Act applies? There such a right does not exist. The claim that has priority over that of local bodies is the claim of Government; next to Government come the local bodies. The local bodies exercise powers delegated to them by the legislature, but the claim of the local bodies is all the same a public demand and there is no reason why such a demand should be subordinated to the claims of private landlords. Then, there will be two municipal laws, the Calcutta Municipal Act, extending over a stretch of land, 17 miles in length and a fairly good breadth, and containing agricultural lands. There will be one law for one area and another law, *viz.*, the Bengal Municipal Act, for the adjoining area

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Mr. H. P. V. TOWNEND: May I explain, Sir? The amendment was to have been moved by Maulvi Syed Majid Baksh. Our law officers advised us that this clause, as it stood, was in conflict with the Bengal Tenancy Act. Agricultural land inside a municipality is subject to the Bengal Tenancy Act and other land is subject to it unless by a special notification it is excluded from its operation.

Mr. PRESIDENT: But Mr. Basu's opposition is with regard to the amendment of the Hon'ble Minister.

Mr. H. P. V. TOWNEND: I was explaining, Sir, how it came about that Government introduced this amendment. It was found that there would be a contradiction between this Act and the Bengal Tenancy Act unless we repealed certain clauses of the Bengal Tenancy Act, which Government do not want to do——

Babu KHETTER MOHAN RAY: Sir, in the Bengal Tenancy Act rent is a first charge, but are we going to abrogate the law? That is the position. If we do not want to abrogate the law as it is in the Bengal Tenancy Act, then I do think this motion should be carried in order to make the meaning clear. If this amendment is not carried, even then there would be no change in the position of the law, because in the Bengal Tenancy Act it is clearly laid down that rent shall be a first charge on the holding. For the Bengal Tenancy Act was passed by the Governor General of India in Council. If it be the intention of the framers of the clause 153 to repeal section 65 of the Bengal Tenancy Act in so far it concerns the dues to the municipality, by omission of "rent" after "revenue" this Act would be *ultra vires*, as this Council has no power to modify any section of the Bengal Tenancy Act without the sanction of the Government of India. However, I would like that the amendment in the name of my friend Maulvi Syed Majid Baksh, moved by the Hon'ble Minister, should be accepted by the House in order to avoid any ambiguity and also to make the intention of the legislature clear. This clause, if left, as it is now in the Bill, may be interpreted in some quarters to be in direct conflict with the law as laid down in section 65 of the Bengal Tenancy Act. I, therefore, request to accept the amendment to avoid any semblance of conflict of law in different statutes.

Mr. S. M. BOSE: My friend, Mr. Ray, has just stated that under the Bengal Tenancy Act rent shall be a first charge, but under clause 153 it is already provided that land revenue should be a first charge. So my friend's point that we are seeking to alter the law holds good here also, although the Bengal Tenancy Act may have said something else. Here we have already laid down that Government shall come first amongst all others. So, if you are altering one thing you might also alter the other thing. Further public interest demands that all public dues should always have a first charge and it is against all accepted rules of law that private individuals should come in and ask for priority of claim as against local bodies. As my friend, Mr. J. N. Basu, has said, under the Calcutta Municipal Act the law is the same as here.

7 p.m.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I think the amendment of the Hon'ble Minister is a retrograde step. I quite realise that there is a likelihood of there being a conflict in law. If any amendment be necessary, it should be to this effect; viz.: "Subject to the prior claim of land revenue and notwithstanding anything contained in any other Act."

The land revenue should be the first charge, the municipal taxes the second and the rent the third. I think, therefore, that the Hon'ble Minister should be prepared to accept an amendment of the nature I have proposed.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, We have some difficulty in this matter. I think that I can accept the amendment proposed by Khan Bahadur Maulvi Azizul Haque, subject to some examination by our law officers. I submit that it is very difficult to accept such amendments suggested on the floor of the House.

Mr. PRESIDENT: Then you want another postponement.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, it is a highly intricate matter and I cannot make up my mind at the moment. I would, therefore, ask you, Sir, to give us a little more time to have it examined by our law officers. With your permission, I would withdraw my amendment for the present.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: In fact, the consideration of the whole clause had better be postponed.

The consideration of clause 153 was accordingly postponed.

Clauses 154 to 159.

Mr. PRESIDENT: The question is that clauses 154 to 159 stand part of the Bill.

The moton was put and agreed to.

Clause 160.

Mr. PRESIDENT: The question is that clause 160 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that in clause 160, in line 4, after the word "immediate" the words "and lawful" be inserted.

Sir, the object of this amendment is that whenever the owner of any carriage or animal is not resident within the limits of the municipality, the person in whose immediate *and lawful* possession the carriage or horse or any other animal is for the time being shall have to pay and take out a licence for the same.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: If the words "and lawful" be inserted, the question of lawful possession will have to be determined before the taxes can be realised. I, therefore, oppose the amendment.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Mr. PRESIDENT: The question is that clause 160 stand part of the Bill.

The motion was put and agreed to.

Clause 161.

Mr. PRESIDENT: The question is that clause 161 stand part of the Bill.

Babu KHETTER MOHAN RAY: Sir, I beg to move that after clause 161 the following be added, namely:—

"Provided that no carriage which has not been brought into use of which is so damaged as to be unfit for use shall be liable to the tax."

Sir, the reason of my moving this amendment is that under this clause simply because a man has got a carriage which is not used or which is unfit for use, he should be liable to pay the tax. I think there should be a provision exempting such a person from payment of the tax.

Mr. H. P. V. TOWNEND: Sir, Government is prepared to accept the amendment provided the mover is agreeable to a slight modification in the wording. The proviso will then read thus—

"Provided that no carriage which has not been brought into use or which is so damaged as in the opinion of the commissioners to be unfit for use shall be liable to the tax."

Babu KHETTER MOHAN RAY: Sir, I accept the alteration proposed by Mr. Townend.

Khan Bahadur MUHAMMAD ABDUL MOMIN: Sir, I would oppose this amendment, because it seems to me that it is quite unnecessary to mention anything about a carriage which is not used. What the mover's intention is is that a carriage which is not used should not be liable to the tax. If a carriage which is so damaged as to be unfit for use it should be sold as scrap iron. But, if you exclude useless

carriages, then what about a lame horse which is also unfit for use? I think it is better to leave these things out of the Bill and not complicate matters.

The motion of Babu Khetter Mohan Ray, as modified by Mr. Townend, was then put and agreed to.

Mr. PRESIDENT: The question is that clause 161, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clauses 162 to 165.

Mr. PRESIDENT: The question is that clauses 162 to 165 stand part of the Bill.

The motion was put and agreed to.

Clause 166.

Mr. PRESIDENT: The question is that clause 166 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that to clause 166 the following be added, namely:—

"In such cases the tax shall be levied by the municipality, within the jurisdiction of which the carriage, horse or animal is kept."

Mr. GIRISH CHANDRA SEN: Sir, Government are prepared to accept this amendment subject to a slight alteration. If the mover is agreeable to accept this alteration, his amendment will be accepted.

The amendment as altered will run as follows:—

"In such cases the tax shall be levied by the commissioners of the municipality within the jurisdiction of which the carriage, horse or other animal is kept."

MUNINDRA DEB RAI MAHASAI: Sir, I accept the alteration.

Mr. PRESIDENT: What about the addition of the two lines proposed to be added to the clause by the mover?

Mr. GIRISH CHANDRA SEN: Government accept the addition.

The motion that in clause 166, line 4, the words "kept or" be omitted was put and agreed to.

The motion of Munindra Deb Rai Mahasai was then put and agreed to.

Mr. PRESIDENT: The question is that clause 166, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 167.

Mr. PRESIDENT: The question is that clause 167 stand part of the Bill.

The motion was put and agreed to.

New clause 167A.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, may I have your permission to move that after clause 167 the following be inserted as 167A:—

"*The tax on professions, trades and callings.*

167A. When it has been determined that a tax shall be imposed on professions, trades and callings, every person who exercises in the municipality, either by himself or by an agent or representative, any of the professions, trades or callings specified in Schedule IV, shall take out a half-yearly licence and pay the tax imposed under clause (*f*) of sub-section (*1*) of section 111."

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, on a point of information, may I inquire how "professions" come in?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, it is the new heading we have proposed.

The motion was put and agreed to.

Clauses 168 and 169.

Mr. PRESIDENT: The question is that clauses 168 and 169 stand part of the Bill.

Mr. GIRISH CHANDRA SEN: Sir, may I have your permission to move that clauses 168 and 169 be omitted?

The motion was put and agreed to.

7-15 p.m.

Clause 170.

Mr. PRESIDENT: The question is that clause 170 stand part of the Bill.

The motion was put and agreed to.

Clause 171.

Mr. PRESIDENT: The question is that clause 171 stand part of the Bill.

Maulvi HASSAN ALI: I beg to move that in clause 171, in line 2, for the words "six rupees" the words "four rupees" be substituted.

Under the present Bengal Municipal Act, the maximum fee is Rs. 4 and in view of that, I suggest that the present rate should be retained.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It is the maximum limit which has been suggested in the Bill and any lower rate may be accepted by the commissioners. So, I do not see any reason why the hon'ble member objects to it.

The motion of Maulvi Hassan Ali was put and lost.

Mr. PRESIDENT: The question is that clause 171 stand part of the Bill.

The motion was put and agreed to.

Clause 172.

Mr. PRESIDENT: The question is that clause 172 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that clause 172 be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I formally oppose the amendment.

The motion of Munindra Deb Rai Mahasai was put and lost.

Mr. PRESIDENT: The question is that clause 172 stand part of the Bill.

The motion was put and agreed to.

Clauses 173 to 178.

Mr. PRESIDENT: The question is that clauses 173 to 178 stand part of the Bill.

The motion was put and agreed to.

Clause 179.

Mr. PRESIDENT: The question is that clause 179 stand part of the Bill.

Babu KHETTER MOHAN RAY: I beg to move that in clause 179, in line 3, for the words "adjacent to" the words "within a mile from" be substituted.

The reason for my moving this amendment is that the word "adjacent" is very vague, and in order to be definite in the matter we should have some such words as "one mile," "two miles," etc.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. There should not be any definite limit outside the municipal limits. The present wording of the section has worked very satisfactorily, and it has never been considered vague. So I oppose this amendment.

Dr. AMULYA RATAN GHOSE: I want to support this amendment. So far as the word "adjacent" is concerned, it is a very vague one and it does not give a clear idea as to how far the limit is to be applied. It is very reasonable that some limit ought to be there for that purpose and, therefore, I support the amendment.

Mr. H. P. V. TOWNEND: The whole point is what the word "adjacent" means. It means an area which is not attached to municipal limits; so there is no reason why there should be any misunderstanding.

The motion of Babu Khetter Mohan Ray was put and lost.

Mr. PRESIDENT: The question is that clause 179 stand part of the Bill.

The motion was put and agreed to.

Clause 180.

Mr. PRESIDENT: The question is that clause 180 stand part of the Bill.

The motion was put and agreed to.

Clause 181.

Mr. PRESIDENT: The question is that clause 181 stand part of the Bill.

Mr. GIRISH CHANDRA SEN: With your permission, Sir, I wish to move the amendment which stands in the name of Maulvi Syed Majid Baksh, namely, that in clause 181, in line 1, after the words "when it" the word "is" be omitted.

The motion was put and agreed to.

Mr. PRESIDENT: The question is that clause 181, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clauses 182 to 195.

Mr. PRESIDENT: The question is that clauses 182 to 195 stand part of the Bill.

The motion was put and agreed to.

Clause 196.

Mr. PRESIDENT: The question is that clause 196 stand part of the Bill.

Dr. AMULYA RATAN GHOSE: I beg to move that clause 196 (*1*) be omitted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. Exemption from payment of toll for Government stores or persons in charge of them should be allowed. This privilege has always been allowed to the Government, and there is no reason why it should be withdrawn.

The motion of Dr. Amulya Ratan Ghose was put and lost.

Babu KHETTER MOHAN RAY: I beg to move that in the proviso to clause 196 (*2*), in line 2, after the words "any class of persons" the words "or *bona fide* students in any recognised schools in attending and returning from such institution" be inserted.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. The commissioners may exempt the school children if they like as provided in clause 196 (*2*).

The motion of Babu Khetter Mohan Ray was put and lost.

Mr. PRESIDENT: The question is that clause 196 stand part of the Bill.

The motion was put and agreed to.

Clause 197.

Mr. PRESIDENT: The question is that clause 197 stand part of the Bill.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in clause 197, in line 2, after the word "tolls" the words "taxes, rates or other municipal dues" be inserted.

By this addition these other rates, etc., may also be realised with the assistance of a police officer.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. I consider it out of place absolutely. We are dealing with the general provisions regarding the collection of tolls. These words should not come in here.

The motion of Rai Bahadur Satyendra Kumar Das was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: The question is that clause 197 stand part of the Bill.

The motion was put and agreed to.

Clauses 198 to 201.

Mr. PRESIDENT: The question is that clauses 198 to 201 stand part of the Bill.

The motion was put and agreed to.

Clause 202.

Mr. PRESIDENT: The question is that clause 202 stand part of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that clause 202 (*a*) be omitted. May I suggest that this should be considered along with the other clauses which have been postponed?

Mr. PRESIDENT: Yes, I think so.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Monday, the 29th August, 1932, at the Council House, Calcutta.

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